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CALENDAR
OF
STATE PAPERS,
COLONIAL SERIES,
AMERICA AND WEST INDIES,
MARCH, 1720 to DECEMBER, 1721.
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EDITED BY
CECIL HEADLAM, M.A.

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PREFACE.

MARCH 1720, 1721.

§ I. GENERAL.

Spanish
Attack
upon the
Bahamas.

At the end of February, 1720, the Spaniards from Havana delivered their long delayed attack upon the Bahama Islands. But when they appeared off New Providence, they found Governor Woodes Rogers and H.M.S. *Flamborough* ready to receive them. They made several attempts to land, but were repulsed. However, they were expected to return shortly in greater force, and in response to an appeal for assistance from Rogers, Commodore Vernon sailed from Jamaica with H.M.S. *Mary* and *Ludlow Castle*, intending to cruise off Havana and prevent the Spanish ships from coming out. He refused to go to Nassau on the grounds that there "there's no water for me." Rogers, undaunted and scenting a prize, informed the Commodore that, if he could block up the enemy, he would bring some men and ships from the Bahamas, and join in an attack upon Havana (35, 47, 47 i–iv). It had been expected that the Spanish armadilla would proceed to Carolina and join with a force from St. Augustine in an attack upon that Colony (47 i–iii, v).

Spanish
Privateers
ignore
cessation
of arms.

In spite of the Cessation of Arms (1720), Spanish privateers continued to wage war upon British shipping. Carolina suffered from privateers fitted out from St. Augustine, Jamaica from those sailing with commissions from Trinidad on Cuba. It was all one to them, whether it were peace or war, it was declared. The Council of Trade and Plantations, in bringing their depredations to the notice of the Lords Justices, proposed that urgent representations should be made to the Court of Madrid, to put a stop to such conduct (213, 283, 283 i, 284, 288, 292, 340). A lively engagement between British and Spanish privateers is described (277 ii).

Instructions
for
restitution
on conclusion
of peace.

On the other hand, complaint was made by the Spanish Minister of hostilities committed against the inhabitants of Florida by Indians under the protection of the Carolina Government. Whereupon Lord Carteret directed the Governor of Carolina not to permit any hostile acts against the subjects of Spain, but to observe the recent Conventions (651). When the Treaty of Peace was signed (June 1721), instructions were sent to all Governors to see to the restitution of captured goods and ships according to the provisions of the Conventions and Art. III of the Treaty (663).

Lord
Carteret
succeeds Mr.
Secretary
Craggs.

Carteret had succeeded Craggs as Secretary for the Southern Province in March, 1721. Craggs had died during the enquiry into the frauds connected with the South Sea Scheme, in which several Ministers were implicated. His father, the Postmaster General, committed suicide and the Chancellor of the Exchequer was sent to the Tower. (327, 395).

South Sea
Company's
projects.

The South Sea Company had been hoping to exploit grants both of Nova Scotia and of the part of St. Kitts lately belonging to the French. They petitioned for grants of these territories "and other parts of America" in January, 1721 (350 i). Characteristic of the Bubble Age is the application of a sanguine Frenchman to the Secretary of State for a grant from the Treasury, in order that "I may work at some great affair known only to myself." (546, 547).

It may have been one of the results of the pricking of the South Sea Bubble that the Board of Trade was obliged to appeal to the Treasury for the settlement of arrears due to the Office, "the person who had advanced part of the money for incidental expenses having been forced to take it up on interest." (494).

Pirates.

The policy of offering a pardon to pirates had not proved successful. Many surrendered, indeed, but only to return to their old trade (251). And though some in one mood might declare that they would seize only Spanish or Portuguese vessels (251. iii), and others might even indulge in poetry (251. i), for the most part they were ready to plunder where they could, to threaten vengeance on all Creoles and those who, as at Nevis, had hanged their comrades, and to inspire terror or extract

treasure by practising the most savage cruelty. They made a haul off Newfoundland of merchant ships; cut out and destroyed others in the Road of Basseterre, and a whole fleet of French sloops from Martinique (28, 251 i-v, 463 iii, 501 iv, 513). One of the most powerful and also most brutal of these rogues was John Roberts of Barbados. Besides committing depredations on the British and French islands, and all along the coast of the Continent, he captured a French man of war with the Governor of Martinique on board and hanged him from the yard-arm (463 iii). The cargo of a Dutch ship seized by him was said to have been brought by a Rhode Island skipper to Tarpaulin Cove, "a by-place fit for roguery," and part of it hidden in the woods, the rest being sent to other New England ports (727 i).

Famous
Pirates
hanged at
Jamaica.

But though many of the pirate ships were so formidable in men and guns that the guard-ships on the West Indian stations were not capable of tackling them, many of the most famous pirates were brought to account at this time. Six of the crew of the *Royal Rover* were hanged at Nevis (28). At Jamaica, a trading sloop "well manned and commanded by a brisk fellow one Jonathan Barnet," fell in with Rackham, and captured him. He was tried and executed with ten of his crew under the Commissions recently sent out (288, 340). They were soon followed to the gallows by the notorious Charles Vane and Warner and his gang (459, 463 iii. v. § iii Jamaica).

Trial of
Pirates'
goods.

In accordance with an opinion given by Mr. West, the Board of Trade reported against the request of the Lords of the Admiralty for the annulment of the 54th Instruction to Governors relating to pirates' goods and goods piratically taken. The Admiralty held that Governors were sufficiently instructed by their Commissions as Vice-Admirals to try such matters in the Vice-Admiralty Courts. Mr. West argued that pirates in the West Indies, and consequently their goods, could not be condemned before the Vice-Admiralty Courts as such, but only through the special Commissions granted to Governors under the statute of 11th and 12th William III (64, 117, 135, 136).

New
Instructions,
Custom
House
officers
excused
from Juries
and Militia.

Several new Instructions for Governors were issued. When those of the Governor of Barbados were being prepared, the Commissioners of Customs requested that officers employed in that service should not be interrupted in their duties by being called upon to serve on juries or the Militia. It was ordered that they should be excused (528, 605, 605 i.).

Paper
Currency.

Governors were directed not to give their consent to any act for issuing paper currency, without a suspensory clause delaying its effect until the approbation of the Crown had been received, except in the case of acts for raising and settling a public revenue (186 i.).

Bishop of
London's
jurisdiction.

An alteration was made in the Instructions relating to the Bishop of London's jurisdiction in the matters of ecclesiastical benefices and licensing of schoolmasters. Henceforth no minister was to be appointed to an ecclesiastical benefice without a certificate, and no schoolmaster allowed to keep school without a licence from the Bishop of London. But the restriction as to schoolmasters did not apply to New Jersey (667, 696, 696 i, 715, 716, 730-732, 735-737).

Mr. Gee's
proposal
as to Acts.

It is worthy of remark that Mr. Joshua Gee, in the course of a memorial upon the trade of the Plantations, observed that the root of most quarrels between Governors and Assemblies, and the occasion of many laws being passed to the prejudice both of the Plantations and Great Britain, of which he gave some instances, lay in the payment of Governors by the Assemblies. Governors were either induced to pass such acts in order to obtain their salaries, or gave offence if they refused their consent. He therefore proposed that all Acts of Assembly should be submitted to the approval of the King before being passed into law (698). In other words the Colonies were to be placed on the same footing as Ireland was by the Poynings Act.

Trade with
Foreign
Plantations.

A decree by the French Government for the seizure of all foreign vessels trading in the French Colonies, caused some perturbation (183 i, ii, 184). The Board of Trade consulted the Rev. W. Gordon, the trading parson of Barbados, as to

the New England traffic with foreign Plantations (196). He had already called attention to the large re-exports of the produce of foreign settlements from the Colonies to foreign parts, and proposed an Act to limit such re-exportation to Great Britain (44).

Duty proposed.

He now suggested that a duty should be laid on all produce of foreign Colonies imported into the British Colonies (197).

Replies to Questionnaire.

An elaborate questionnaire as to the trade, resources, population, and defences of the several Colonies (181 i), elicited replies from Maryland (214), Massachusetts and New Hampshire (259 i, 447 i), New Jersey and New York (182, 187 i), Nova Scotia (203) and Pennsylvania (309).

Representations by the Board of Trade on the American Colonies and Naval Stores.

Information thus acquired, added to the replies received in this and the preceding year from Collectors and traders, and interviews with merchants, equipped the Board of Trade for the task of composing the two highly important representations printed at the end of this volume. Joshua Gee, in particular, added a memorial to his previous contributions on the subject of Plantation Trade in the *British Merchant* and elsewhere. Arguing from the importance of that trade to British shipping, and the success of the bounties on Naval Stores in lowering prices and breaking the monopoly in timber of the Eastland Countries, he urged that encouragements should be given to the Colonies to produce all such commodities as Great Britain had to buy from foreign countries. The produce and export of timber, planks, and pig iron, flax, silk and hemp should, like pitch and tar, be encouraged by bounties and the adjustment of duties. The Colonies should be permitted to export direct to the south of Europe the more bulky commodities which would not bear the additional expense of the round-about voyage, but ships that sailed on such direct voyages must be obliged to return to the Plantations by way of England. This would cripple the competition of New England ships, and confine them to the coasting trade and fishery. Unlike the West Indian planters, Gee saw no objection to allowing the Northern Plantations to continue supplying the French Sugar Islands with horses, lumber, and provisions ; for such

trade tended to increase British shipping and help it to outstrip the Dutch as the carriers of the world. The paper is of importance as an example of the outlook of a broad-minded and influential observer of the school of Whig mercantile theory (198). Gee subsequently elaborated the arguments which he had used here and in the *British Merchant* in a pamphlet published in 1729, “*The Trade and Navigation of Great Britain considered.*”

In August 1721, Lord Townshend called for reports upon the state of the Colonies on the American Continent, with suggestions for their better government and security, and upon the best means for encouraging the importation of timber, Naval Stores, and mineral ores from the Plantations (620). The Board of Trade responded with the two representations mentioned. In the first of these (656), they made a detailed report of the boundaries, commerce, defences and governments of each Colony. They then considered the importance of the Plantation trade to Great Britain, estimating it as amounting to £1,000,000 sterling per annum, of which one half was with Colonies on the Continent. The balance of trade was £200,000 in favour of the Mother Country, which also derived great profit from the re-exportation of Plantation goods to Europe, whilst over one third of British shipping employed in foreign trade was maintained by the Plantation trade (pp. 428–434). The American Colonies met the adverse balance by their trade with the West India Islands and with Europe in non-enumerated commodities.

**Plantation
Trade.**

**French
Encroach-
ments.**

The Board then passed to the consideration of encroachments by the French, which had already been indicated in the reports on the several Colonies, and the danger to be apprehended from the extension of their settlements along the Mississippi to Quebec, threatening to “set a girdle” upon the British Colonies and cut them off from expansion westwards. (178, pp. 435–440). The forts which the French had built along this route and the endeavours of their missionaries to bring the Indian tribes over to their interest are described, with acknowledgements of the information contributed by Lieut. Governor Keith on these points (*v. C.S.P. 1719–20*, pp. iii–v). The

remedy seemed to be to fortify the inland frontier ; to “ make ourselves considerable at the two heads of your Majesties Colonies north and south ” ; to extend settlements beyond the mountains ; and to secure the friendship of such Indian nations as were not already in league with the French. With these ends in view, the settlement of Nova Scotia should be hurried on, and a stronger garrison stationed there and in South Carolina, where forts should also be built on the principal rivers (pp. 440–442).

Indian
Trade.

Trade and friendship with the Indians might be secured by building a small fort upon Lake Erie, and prosecuting Governor Burnet’s plan for occupying Niagara. Inter-marriage with the Indians should be encouraged, after the French model, and presents be given to them regularly, and missionary enterprise stimulated. There should be no monopoly of the Indian trade, but careful supervision should be exercised over the traders and any injustice done severely punished. In making treaties, as in conducting trade, the Governors of the several Plantations should endeavour to impress the Indians with their unity under the Crown. Finally, they might be impressed by bringing home some of the Indian Chiefs, as the French had done, to show them “ the splendour and glory ” of England (pp. 442–444).

Government
of the
Colonies.

The report concluded with suggestions for the better government of the Colonies. The first step must be to secure unity of administration and defence, and the absolute observance of the Acts of Trade and Plantations and Governors’ Instructions, by resuming Proprietary and Chartered Governments to the Crown. Only so could the entire, absolute and immediate dependency of the Colonies be maintained, which it was the wisdom of Great Britain, as of all other States, to ensure. But the planters must be regarded as British subjects, and encouraged in all reasonable things, not prejudicial to the interests of Great Britain, as for instance, in the production of naval stores, corn, flax, hemp, and timber.

Quit rents
and grants
of Lands.
Preservation
of Woods.

Abuses in connection with grants of land and the imposition and collection of quit rents must be amended, and H.M. Woods preserved for the Royal Navy.

Patent
Offices.
Unity for
Defence
under a
Captain-
General.

Patent Officers should be debarred from acting by Deputies.

In order to secure unity for defence, the Board then proposed that the several Colonies and their Governors should be placed under a Captain-General, after the manner of the Leeward Islands, with an advisory Council consisting of two Deputies from each Colony. By this means quotas of men or money according to the capacity of each Colony could be requisitioned for the defence of the whole. In pursuance of this proposal, it is stated by Chalmers⁽¹⁾ that the Earl of Stair was offered the Captain Generalship of the American Colonies, but refused.

The Council
of Trade
and Colonial
business.

Finally, the Board suggested that it should be placed on the same footing as the Treasury and Admiralty, and its President entrusted with the sole charge of Colonial business, receiving immediate orders from the King. Thus would be avoided the delay and confusion at present arising from the division of authority between the Secretary of State, the King in Council, and the Board. As a result of this threefold method of procedure, "no one office is thoroughly informed of all matters relating to the Plantations, and sometimes orders are obtained, by surprise, disadvantageous to your Majesty's service."

Naval
Stores.

The encouragement of the production of Naval Stores from the Plantations was part of a clearly defined policy on the part of the Board of Trade and mercantile theorists. It had for its objects the diversion of the planters from manufacturing goods which could with greater advantage be made in Great Britain; the development of the mercantile marine, and the breaking down of the expensive and dangerous monopoly in materials vital to the Navy, which had been enjoyed by the Eastland Countries. In the second of the two representations under review, the Board referred to their report on this subject in 1718, and the Bill which had been brought into Parliament but dropped, in 1719, owing to the opposition to the manufacture of iron ware of any kind in the Colonies. The Board now proposed the passing of an Act in which the duty on pig iron, but not on bar iron, from the Plantations should be taken off (657, 657 i, ii).

(1) Chalmers, G. Introduction to the *History of the Revolt of the American Colonies*. II, 43.

**Carolina
Rice and the
Hatmakers'
Petition.**

The Board was of opinion that direct export of rice from Carolina to Southern Europe might be permitted (656). But French competition in the "mysterious art" of manufacturing beaver hats, and the large exports of beaver skins direct to Holland, led the hatmakers of England to petition for a readjustment of the import duty and drawbacks on re-exports, the effect of which was to lay a tax of over 20 per cent. on English workmen. The Board reported in favour of abolishing the drawbacks, reducing the import duty, and prevention of the "evil practice of carrying beaver skins directly from the British Plantations to foreign parts." (738, 738 i, 748).

**Sturgeon
in New
England.**

An application for a patent for catching and curing sturgeon in New England was refused (73, 84-86). The dazzling hope of a monopoly of American caviare and isinglass was shattered. For though the Board of Trade was inclined to favour such a patent, if safeguards could be introduced to prevent its being turned into a stock-jobbing scheme (126), the Law Officers of the Crown pointed out that it was very doubtful whether the prerogatives of the Crown extended to the granting of monopolies in the Plantations (152). Nor, indeed, was it certain that the sturgeon produced as a specimen was really caught at Boston. There is a hint of "salting" this gold mine (84-86).

**Maps of the
Colonies.**

The Council of Trade reminded the Lords Justices of the value of "exact maps of all the several Colonies." The French had reaped great advantage from those they had made for themselves, "whilst we continue in the dark." (231). In response to their requests, maps of Antigua and Connecticut were sent to them. (227 viii, ix, 229).

**New rooms
for the Board
of Trade.**

The Board renewed their application for the addition of two new rooms to their office, to house the growing mass of papers (165, 171, 172). After another nine month's delay, the Lord Chamberlain presently issued an order to the Treasury for the construction of four new rooms. (468). Still nothing was done. Five months later, the Board appealed to the Treasury to give speedy orders for repairing the Office and building the additional rooms, for "the rain comes in so very much, it will be im-

possible in a short time to sitt in the office." (697). The Board of Works was then instructed to make an estimate for the "repairs and works absolutely necessary to be done." (703).

§ II.

THE AMERICAN COLONIES.

South Carolina.
Threatened attack by Spaniards.

In South Carolina the imminent danger of an attack by the Spanish Fleet from Havana led to steps being taken to repair the fortifications of Charleston, and place the Colony in a posture of defence. An embargo was laid upon shipping (8-10, 47 i, ii), and an Act for suspending the sinking fund for the paper currency was passed (113). Fortunately the Spanish expedition met with a check at the Bahamas (*v.* § 1), and with the arrival of H.M.S. *Flamborough* and *Phoenix*, the crisis passed (8-10, 47 i, ii). But whilst St. Augustine remained a danger and a nest of pirates and privateers at the door of the Carolinians, Colonel Rhett, the Surveyor of Customs, and Captain Hildesley, of the *Flamborough*, were accused of trading with the Spaniards there, and even of supplying them with arms and ammunition, under pretext of an exchange of prisoners (125, 283, 283 i). Colonel Moore and his Council replied to Rhett's charges against the people, defending their revolt against the Lords Proprietors and urging the removal of "that enemy of his country, and detested reviler of mankind" from his office. Rhett and his brother-in-law, the late Chief Justice Trott, were blamed for most of the ill feeling which had arisen between the inhabitants and Lords Proprietors (292, 292 i-iii, 363, 363 i).

Act supporting present Government. Governor Johnson's attempt.

In spite of some attempts by Colonel Johnson to regain the Government, Colonel Moore and his Council, under the presidency of Sir Hovenden Walker, remained in control of affairs. Representatives met in General Assembly at Charleston and passed an Act for supporting the present government, and confirming the acts and appointments made by it, and the Convention (195). The Captains of the men of war, however, had declared in Johnson's favour. Whilst the latter threatened to bombard Charleston, Captain Hildesley and he plotted for

his restoration. There was indeed nearly a clash of arms. Captain Hildesley, something of a fire-eater, was not content with a demonstration with the *Flamborough's* guns. Johnson issued a commission to him and others, and together they marched at the head of a troop of sailors and supporters, and demanded the surrender of the Government. But Moore and his Council showed no sign of yielding, and after drawing the fire of the fort, Johnson undertook to disband his men and make no further disturbance. Captain Pearse of H.M.S. *Phoenix* acted as intermediary. Captain Hildesley, less amenable, was placed under arrest (372, 413, 484, 484 i, ii).

Negro plot
and Indian
rising.

The country was disturbed, too, by the discovery of a negro plot to destroy all white men and seize Charleston, and by a rising of Vocama Indians. Both were suppressed, and negroes and Indians severely punished (125). The Indian outbreaks were attributed to the want of the Indian Trading Act repealed by the Proprietors (66).

Petition of
Inhabitants.

A petition signed by 238 inhabitants under arms echoed the request of the Representatives that the Colony should be taken under the protection of the Crown (194, 347).

Protest
against
sale by
Lords
Proprietors.

When it was learned that the Lords Proprietors were endeavouring to sell their Charter to a new Company, Moore's Council entered their protest (249).

Order for
resuming
the
Government
to the Crown.

But by this time the Lords Justices in Council had ordered that the Government should be " forthwith taken provisionally into the hands of the Crown," and instructed the Board of Trade to prepare a Commission and Instructions for a Governor to be appointed by the King. The Attorney General was ordered to bring in a *scire facias* for the resumption of the Charter, and the Board of Trade was to report upon the measures deemed necessary to secure the safety of the Province (185, 199, 248). The Board in submitting the draft of a Commission, modelled upon that given to Colonel Copley when Maryland was resumed to the Crown, raised the question whether North Carolina was to be included. It was decided that the veteran Francis Nicholson should be appointed Governor of South Carolina

Francis
Nicholson's
Commission
as Governor.

Measures for security. only. (Sept. 1720. 192, 192 i, 244–247). In making proposals for the security of the province, the Council of Trade availed themselves of the advice of Governor Nicholson and Colonel Barnwell, who had come to London with the petition of the Convention. They recommended that a fort and settlement should be made upon the north bank of the Altamaha, with a frigate as guardship in the river, and an Independent Company of 100 men with stores as garrison under Colonel Barnwell, subject to Governor Nicholson's instructions.

Indian Trade. Presents should be sent to the Indians and measures concerted between the governments of Carolina and Virginia for regulating trade with them (217, 232 iii–xiii, 237, 275 i, ii). Stephen Godin and other merchants interested in the Carolina trade also gave their advice for remedying the ills which beset the Province. They were chiefly concerned with the proper treatment of the Indians and the protection of British merchants from laws and measures, especially the unlimited issues of paper currency, which destroyed the confidence of traders (274).

Nicholson's arrival and welcome. Arriving at Charleston in June, Nicholson sent Colonel Barnwell to take possession of the river Altamaha in H.M. name, and build a small fort thereon, whilst he himself was occupied in settling the new administration, and making treaties with the Creeks and Cherokees etc. (572, 573 i, ii, 577, 683). A site near the mouth of the river was chosen for the erection of Fort King George. Thus a first step was taken towards the defence of the extreme southern frontier, which the Council of Trade had advocated in their general report (656). Further accounts of proceedings in connection with the settlement of the Government and building of the fort were sent home by the Agents, Mr. Lloyd and Young, who were appointed by the General Assembly (372, 386, 683, 702, 714). The document dated Feb. 17, 1721, and printed under that date (386) should be attributed to 1722.

New Assembly. The new Assembly met at the end of July. They and the Council expressed in addresses their gratitude to the King for taking the Colony under His immediate protection, and appointing so wise and experienced a Governor (619, 702, 714, 760).

*End of
drought.*

Even the weather appeared to appreciate the change from the regime of the Lords Proprietors. The long drought which had added to the afflictions of the country broke in time to save the prospects of the rice and corn crops. "Tis generally observed," Nicholson comments, "that since His Majesty hath taken this country and government it hath been very seasonable weather." The Lords Proprietors were evidently regarded as responsible for filling "the butchers' shops with large blue flies" (156, 683). The Council reported that a great deal of time had been devoted to disputes over the jurisdiction of Admiralty Court and Customs House officers. A shortage of clerks and paper hindered the despatch of Journals *etc.* (573, 702).

*Exports
and Rice.*

Governor Nicholson sent home a return of exports from South Carolina to Great Britain (577 i). It was proposed that rice should be omitted from the list of enumerated commodities (656, 722).

Maryland.

Captain Charles Calvert having found the sureties required for his observance of the Acts of Trade and Navigation and the King's Instructions, his appointment as Governor of Maryland was approved, whilst his predecessor, John Hart, replied to the questionnaire of the Board of Trade (56, 77, 89, 124, 214).

*Replies to
Question-
naire.*

*And from
Massachu-
setts Bay.*

The replies from Massachusetts Bay are given (259 i).

*Council of
Trade on
the
Government
of the
Province.*

In that part of their general report which concerned the Province (656), the Council of Trade gave plain expression to their opinion as to the working of the Massachusetts Constitution. Although the Government, they observed, was nominally in the Crown, yet, too great power having been lodged in the Assembly, the Province was, and was likely to continue, in great disorder. Due regard was not paid to the Royal Instructions, suitable provision was not made for the Governor, "and on all occasions they affect too great an independence on their Mother Kingdom." In fact the present Governor's salary had been retrenched, probably because he had done his duty to the Crown, and refused to disregard his Instructions to please the Assembly. It was generally thought that the Act which

limited the representation of towns or boroughs to freeholders and residents, resulting in the election of persons "of small fortunes and mean capacities," easily led, was responsible for the present state of affairs (pp. 410-415, No. 514). This, of course, was part of their argument for a resumption of all Charters. This attack on the Chartered and Proprietary Governments was answered by Jeremiah Dummer, Agent for Massachusetts and Connecticut, in a masterly pamphlet, *Defence of the New England Charters*, summarised by Professor Osgood⁽¹⁾. To Governor Shute, the Council notified their surprise at the extraordinary proceedings of the Assembly in assuming to themselves executive power and disregarding H.M. Instructions (622).

Policy of
the
Assembly.

Governor's
right to
negative
choice of
Speaker.

The Assembly, in fact, had continued its campaign of encroaching upon the Prerogatives of the Crown, and acquiring control of the Executive by keeping Governors and officials dependent for their salaries on their favour. As in New Jersey, the Secretary's fees were reduced (83). For the most part the Governor was supported by the Council in his endeavours to assert the Royal Prerogative. But the Assembly, led by Elisha Cooke, pursued its object unremittingly (514). They again joined issue over the Governor's right to negative their choice of a Speaker. For Cooke, dismissed from the Council, had been returned to the Assembly and there elected Speaker. Similarly another dismissed Member of Council was returned to the Assembly by Boston. These gestures afforded a sufficiently plain indication of the feeling of the country. Governor Shute had refused to accept Cooke as Speaker; the Assembly adhered to their choice. The right of a Governor to negative the choice of a Speaker had been questioned in Governor Dudley's time, and decided in favour of the Crown. Shute dissolved the Assembly, and asked for instructions on this point before the new Assembly should meet (93, 93 i-iv, 103). The Attorney General, on being consulted, gave a decided opinion that the words of the Charter were expressly applicable to the election of a Speaker. Governor Shute was so informed (349, 393, 411). This did not, however, put an end to the controversy.

(1) *American Colonies in the XVIIIth Century*, II, 294-299.

The New Assembly. For though the new Assembly chose a different Speaker (July 20. 143), they presently appointed Cooke to act as temporary Speaker, and it was he who signed the Assembly's reply to the Governor's Speech at the opening of their session (655). Shute's hopes of a smooth passage were, in fact, quickly dissipated (143). The majority of the Representatives he describes as country folk, better fitted to manage the affairs of their farms than those of the Province, and easily led by a few designing persons who sought popularity as the only true patriots in attacking the prerogatives of the Crown (514).

Bills of Credit.

The new Assembly complained (March 1721) of the rejection of the bills for issuing another £100,000 of bills of credit, and altering the Act of Parliament fixing the rates of foreign currency. Shute explained to the Council of Trade that the heavy discount at which the paper currency stood was due to the adverse balance of trade, the low prices of commodities, and the already excessive quantity of bills of credit issued. Though the people wished to add to it, the recent Order in Council had checked the evil of falling credit (514 i, 655). The Assembly reduced the vote for the Governor's salary, and made so small a grant for the Lieutenant Governor that he returned it in disgust. They also refused to contribute towards a present for the Indians, though war was threatening.

Governor's Salary.

Appointment of Attorney-General.

As Shute's Instructions empowered him to appoint the Attorney General, and the Assembly claimed that right both by custom and the opinion of Sir Edward Northeby, the post remained vacant whilst Shute asked for a ruling.

Question of adjournments.

The Assembly disputed the Governor's right to adjourn them from place to place, and assumed the rights of adjourning themselves and appointing Public Fast Days.

Censorship of the Press.

The Press was beginning at this time to be an active influence in politics. A rain of pamphlets poured out upon the currency question, whilst the *Newsletter*, *Gazette*, and the *Courant* of the brothers Franklin began to be potent instruments in the controversy between Governor and Assembly. Censorship of the Press was vested in the Governor by the Royal Instructions, but

hitherto it had been laxly applied, and prosecution for offenders required the consent of the Council. Stung by the virulence of the pamphleteers, Shute began to take action. Some prosecutions were set on foot, but failing to obtain satisfaction, Shute pressed the Assembly to pass a law forbidding any book or paper to be printed without the Governor's licence. The Assembly, however, stood firm in defence of the liberty of the Press. They noticed that no steps had been taken to punish the "inventor or publisher" of a pamphlet which they described as a libel upon themselves. This, an answer to Cooke's "Vindication" of their own transactions, was entitled "News from Robinson Crusoe's Island." Not unnaturally the Assembly inferred that if they gave the Executive further powers to enforce control of the Press, it would be used in a one-sided fashion (514, 514 i, 579, 579 i, ii, 655).

Memorial
against
Shute and
his reply.

In June, 1721, the House of Representatives drew up a memorial in which they defended their actions and enumerated their grievances against the Governor. They published it without his knowledge. Shute's reply upon all these matters, as well as Cooke's campaign against the Crown woods, is given (579). He dissolved the Assembly in July, after they had taken upon them to adjourn themselves for nearly a week. The new Assembly met in August, and was moved from Boston to Cambridge on account of an epidemic of small-pox, after disputing the Governor's right to prorogue it from place to place. On all these points the Assembly under the leadership of Cooke was steadily pursuing its campaign for obtaining control of the Executive and encroaching upon the prerogatives of the Crown. Shute, on the other hand, showed little capacity for managing the Assembly or influencing opinion, whether by argument or other means of persuasion. He was content for the most part with representing his powerlessness to the authorities at home, and asking for support and decisions upon the matters in dispute.

The Indian
War.

The war with the Abenaki Indians, which was now imminent, gave the Assembly a further opportunity of asserting control both over expenditure and over the militia (Mass. Acts and

Resolutions II. 219 *ff*). For a series of outrages by the Indians on the Eastern frontier, encouraged by the government of Canada and the French missionaries La Chasse and Sebastian Râle, obliged Shute to send troops to defend the Eastern settlements (261, 319, 514, 655, 743). The Assembly seized the occasion to vote supplies by way of resolves, and to ear-mark the sums voted for particular purposes. A clause was added providing that they should be used for no other ends. (Nov. 1721).

Admiralty Jurisdiction.

On the dispute between the Provincial and Admiralty Courts, which had been submitted in the preceding year, Mr. West gave his opinion strongly in favour of the Provincial Courts, so far as the right to grant prohibitions was concerned. But if, under cover of legal procedure, an attempt was being made to throttle the jurisdiction of the Admiralty Courts in New England, he suggested that their power should be more strictly defined by an Act of Parliament. The Council of Trade reported to the Lords Justices that they agreed with his opinion that the condemnation of pirate goods and goods piratically taken must be tried, not by the Admiralty Courts as such, but by virtue of the Commissions granted for trying pirates. But as to encroachments upon the powers of the Admiralty Courts by the Common Law Courts in the Plantations, redress could be obtained by appeal to the Privy Council (117, 135, 136, 153, 153 i, 699 i–iv).

Prisoners in Canada restored.

Orders were sent from the French Court to M. de Vaudreuil to restore the New England prisoners, whom he had refused to allow to return from Canada (267, 267 i, ii).

Clandestine trade with Cape Breton.

A brisk trade with the French at Cape Breton was carried on by the growing New England fishing fleet. Governor Shute repeatedly urged the Assembly to pass measures to stop this clandestine traffic, but without avail. A bill was passed by the Council, but was thrown out by the Assembly on the grounds that it was the business of the Customs House officers (445).

Act regulating culling of fish repealed.

An Act of 1718 for regulating the culling of fish was repealed upon the petition of merchants, who represented that the restrictions imposed by it were pernicious in their effects and harmful to trade (461, 471, 476).

Woollen and
linen
manufactures
and
independ-
ence.

Enquiries prompted by the ever-present fear lest planters should turn to manufacturing, elicited some interesting replies. Robert Armstrong, the New Hampshire Collector, reported that large flocks of sheep were being raised in the New England Governments, and that unless the power of the Admiralty Courts to condemn wool transported from one Colony to another were upheld, the act prohibiting such transportation would become a dead letter. These Colonies were, in fact, beginning to emerge from the purely agricultural into the industrial and commercial stage of development. Armstrong, recognising that New England was both able and determined to produce its own manufactures, deduced that "in a few years they will sett up for themselves independent from England" (153, 699 iii). Jekyll, a Boston Collector, noted the same "great love of independency," and reported that recent Irish immigrants (mainly Presbyterians from Ulster), were developing a linen industry. But though homespun woollens and linens were worn by the poor, tradesmen and mechanics were inclined to ape the richer merchants and to wear only clothing manufactured in Europe (190, 200, 699 iv.)

Boundaries
with
Connecticut,
Rhode Island
and New
Hampshire.

Boundary disputes remained acute. The Rhode Islanders sent a map to the Board of Trade, defining their boundaries with Massachusetts and Connecticut, surveyed according to their Charter. Complaining of encroachments made by both their neighbours, they laid their case before the King in Council. Connecticut likewise submitted a map, and made similar complaints against Massachusetts, Rhode Island, and New York. But the Narraganset country was the chief bone of contention (109, 229). New Hampshire, again, furnished its Agent with a map, and asked the Board of Trade for a settlement of the boundary with Massachusetts Bay (333), which disturbances along the border rendered increasingly urgent. Wentworth, the Lieutenant Governor of New Hampshire, described the latter as "our unkind neighbour," and complained of the taxation of their coasting vessels and merchandise by that province.⁽¹⁾ He, too, says that "they are and desire to be strangers to all kingly power," in contrast to the loyal colony

New
Hampshire
and
Massachu-
sets Bay.

(1) Cf. Provincial Papers, III 827, IV 25.

The Crown Woods.

of New Hampshire, and instances their attitude towards the King's Officers and the Crown woods (333). In both Colonies, however, the reservation of trees suitable for masts for the Royal Navy was being combated and ignored. If in Massachusetts Cooke and his followers denied the King's rights to the woods, in New Hampshire the lumbermen in practice disregarded it. There was nothing to prevent the sawmills being fed with young trees under the size reserved by Act of Parliament, and the larger were being ruthlessly cut up into logs, partly as the result of Cooke's campaign, and partly under cover of the device by which townships were created and extended so as to bring them within the exception granted by that act (112, 352 ii, 694).

New Act proposed.

Mr. Bridger, therefore, proposed a new Act for the Preservation of the Woods (39, 39 i–iii, 57). Shute supported this proposal, and added the suggestion that the new Act should contain a clause to prohibit the exportation of timber to Spain (319). Bridger made some seizures of trees cut without licence from him, but lost his case through inability to prove that they grew in unappropriated land. The whole country-side, in fact, was leagued against the reservation of the Crown Woods. So long as the “owner's probandi,” as Bridger put it, lay with the Crown, no satisfactory conviction would ever be obtained (57, 82, 118, 118 i–iii, 127, 127 i, 179 i, 352 ii). The Governor of New England, and the Lieut. Governor of New Hampshire might do their best to prohibit wastage of the woods (82, 118, 159 i, 352 i), but so long as there were so many loop-holes in the Act, and Bridger's successor, Charles Burniston, remained snugly at home, there was little prospect of preserving mast trees for the Royal Navy or preventing them from being shipped abroad for the benefit of the King's enemies (82, 159 i, 319, 333, 656, 694). A proposal that the Governor of New England should be appointed Controller of the Woods was discountenanced by the Board of Trade, in spite of the favour with which it had been received at Court (201, 201 i). Correspondence on the subject was ordered to be laid before the House of Commons (54, 54 i).

The Mason-
Allen
Claim.

In New Hampshire, the Mason-Allen claim might be dead, but it was not buried. In an age of "bubble" schemes, it is not surprising to find that a new "bubble" was now being promoted by speculators. They proposed to purchase James Mason's grant for £15,000, from the widow of the Allen to whom it had passed, and to sell it in 2,500 shares at £30 a piece. Henry Newman, the Agent for New Hampshire, entered a warning against the scheme (273).

Powder
Duty and
Stores of
War.

The prospect of a war with the Eastern Indians and the danger to be apprehended from pirates on the coast prompted New Hampshire to look to its stores of war. Since the Royal Instruction of 1717 forbidding the collection of powder duties from British ships, New Hampshire had suspended the act imposing a duty of a pound of gunpowder per ton upon trading vessels of every description, although it had been confirmed by the Crown in 1706. The Province was therefore left without any supplies of ammunition. Newman was instructed to apply "to the proper Board in order to obtain the Royal bounty therein." Meeting with no success at the Board of Ordnance, he presented a petition to the Board of Trade for either a free grant of ammunition stores or permission for his Government to revise the Powder Act. On hearing that the Governor's Instruction of 1717 had only been intended to apply to future acts, he requested the Board to explain the matter to the Governor, in order that he might put the Powder Act into execution (438, 447 i, 585.) Popple, thereupon wrote to Governor Shute asking why the act had been suspended and informing him that it was considered to be in force. (618).

Replies to
Question-
naires.

Governor Shute had been delayed in visiting the Province by the longest and severest winter on record. But after he had been there he sent replies to the Board of Trade's Queries in June, 1720 (93, 94, 94 ii). Further information was supplied by the Agents in October and the following April as to the produce, trade, condition and resources of the Province, which furnished the Board of Trade with material for their general report (656).

Manufactures
and Irish
Immigrants.

Armstrong, the Collector, reported that the New Hampshire colonists were mainly concerned with lumber or naval stores,

and were paying little attention to the manufacture of woollens. But since the recent arrival of 500 families of Irish immigrants, they were beginning to manufacture linen cloth (153, 699 iii). There was a demand for hemp seed, and he recommended the despatch of 100 bushels of it, in order to employ them on the production of hemp fit for the Royal Navy, and divert them from engaging in woollen manufactures (466). This policy was supported by Governor Shute and Bridger, and the Board of Trade in their general report (94 ii, 118, 656).

Burnet,
Governor
of New
Jersey and
New York.

In April 1720, William Burnet, son of the famous Bishop of Salisbury, was appointed to succeed Hunter as Governor of New York and New Jersey (46). It would appear from a subsequent memorial (C.O. 5, 752. *f.* 272) that he had been Controller of the Customs, but had been involved in the South Sea Bubble crash. In order to enable him to recover from his debts, "His Majesty was graciously pleased to authorise an exchange of employments" between him and Governor Hunter. A sound Whig, Burnet set himself to continue the policy pursued so successfully by his clever and diplomatic predecessor. But though well intentioned and capable, events were to prove that he was wanting in the tact and skill in managing men which distinguished Hunter. Burnet's Instructions were practically a repetition of those of the former Governor (90 i-iii, 106).

Burnet in
New Jersey.

In New Jersey Burnet was quickly involved in conflict with the Assembly. He decided to continue Hunter's Assembly. The House, holding that a new Assembly must be summoned on the arrival of a new governor, at first refused to meet (533). When Burnet had persuaded them to do so, he found himself involved in a series of disputes with them concerning the granting of a revenue, the currency, the qualifications of members, the defence of the frontier, and the right of the Council to amend money bills. After "four months patience" and repeated adjournments of the House, he was driven to dissolve them in May 1721 (533, 595, 595 i, N.J. Archives XIV). Burnet attributed the chief cause of the Assembly's ill-humour to George Willocks. This "professed Jacobite" was acting in the interests of a group of Proprietors who aimed at securing control

*Secretary's
Fees.*

*Representa-
tion of
Huntingdon
County.*

*Export of
Copper.*

New York.

*The Old
Assembly
is continued,
and settles
the revenue.*

of East Jersey. In order to make sure of a more amenable Assembly at the coming election, Burnet proposed the repeal of two acts by which the Secretary's fees had been reduced. Such action would be interpreted as a check to the Assembly in their attempts to starve all officers not appointed by themselves. He also proposed that two Representatives should be assigned to the new County of Huntingdon in West Jersey, which could be trusted to elect "very loyal men," in place of the two members who had been allotted to the little fishing village of Salem, and who had proved to be "the ringleaders in the opposition to the Government." (67, 407, 415, 595).

Copper ore from a newly-discovered mine was being shipped to Holland. The Council of Trade, on being informed of it, suggested that the export of ore from the Plantations should be prohibited by Act of Parliament (520 i, 537).

In New York Burnet found himself more at ease. "We agree very well," he wrote of the Assembly in August 1721, "and this Province is as remarkably quiet and happy and affectionate to me as the other one is the reverse" (595). Before Burnet sailed, Hunter had represented the necessity of his obtaining a settlement of the revenue, the act for which would shortly expire, and that the new act should contain a provision for the necessary expenses of the Council and Assembly, and so put an end to the payment of the Assembly by a Country Tax (80). Burnet on his arrival found that, in Hunter's absence and under Schuyler's Presidency, the Opposition party had been gaining headway. They had been looking forward to an election on the assumption that a new Assembly must be called after a change of Governors. This theory was discountenanced by the Chief Justice and Attorney General, and Burnet adduced precedents to disprove it. He assured the Assembly that he intended to follow in the footsteps of his "incomparable predecessor," in whose "great and good measures" they had taken part. The Assembly being devoted to the late Governor, who was now acting as Agent for New York, and anxious to be continued, readily provided for the deficiencies which had accrued, and passed an act continuing

the revenue for five years, without the article favouring vessels belonging to the Colony, which had figured in the act passed in Hunter's time.

Opposition
of the
Council.

Burnet's difficulty lay with the Council. The President and six members of it were anxious for an election which, they thought, would give them control of the Assembly. Frustrated in their design to hold one in Hunter's absence, they now adopted the view held by the New Jersey Assembly, and argued that a new Assembly must be chosen after a change of administration. Burnet answered them with precedents and arguments. Having forced them to admit doubts on the point, he challenged them to consider whether scruples of which they did not pretend to be certain could justify their delaying for a year or more the grant of supplies, the repair of the fortifications and immediate measures for counteracting the French influence with the Indians. He further hinted at charges that could be brought against Schuyler and Philipse for irregularities in the granting of lands. Thereupon Schuyler and four others asked leave to retire into the country, and Burnet asked that Adolphus Philipse and Peter Schuyler, whom he represented as his tool, should be dismissed from the Council and replaced by Cadwallader Colden and James Alexander (239, 264 i-v, 303, 325.)

Burnet
supported
by Board
of Trade.

The Council of Trade confirmed Burnet in his continuance of the Assemblies, which they found to be in conformity with the practice in Ireland (341, 533). They also obtained the dismissal of Schuyler and Philipse and the appointment of those whom Burnet had recommended (Feb. 10, 1721, 378, 379.) Professor Osgood (*American Colonies in the XVIIIth century*, p. 47) gives the impression that this was not done until March in the following year. But if the Editor occasionally presumes to correct a detail of this sort, he hopes that it will not be interpreted as an attempt to detract from that accurate and invaluable work, to which he is profoundly indebted.

Whale
royalties
remitted.

Burnet added to his popularity by remitting the royalties upon whales to which he was entitled, but which had been made a grievance (p. 205).

Burnet and
Indian
policy.

Burnet also obtained from the Assembly two acts which embodied the Indian policy, to which he gave great attention. The advance of the French along the Great Lakes and the Mississippi Valley, accompanied by their successful intrigues with the Senecas and Indians in Nova Scotia, rendered counter measures imperative (48, 144, 144 i, 206, 230, 303, 533, 534).

Fort at
Niagara.

By an act laying a duty of 2 per cent. on European goods imported, Burnet hoped to obtain funds for repairing existing fortifications and building new forts along the frontiers. It was provided with a suspensory clause, in case exception should be taken to even so small a duty upon British trade. On learning that objection was being made to it by the merchants in London, Burnet returned to his defence of the act in November 1721 (303, 711). The new forts to be built at Niagara and Onondaga would be an answer to the French, who had erected a blockhouse near the Falls, and were thus encroaching upon territory which the Senecas had granted to the British Crown. Burnet intended to persuade the Indians to demolish this French blockhouse, and to place a company of soldiers as garrison for his fort at Niagara. His objects were to complete a chain of forts guarding communications from Albany to Niagara, and to encourage a settlement of soldiers and Palatines there and above the Falls, and thus to open up trade with the Indians and all the Great Lakes (48, 144, 144 i, 206, 230, 239, 268, 264 i, 303, 323, 533, 534).

Independent
Companies
and stores.

For garrisoning his projected forts, Burnet made a request for two additional Independent Companies and further supplies of stores of war (734). When the Board of Ordnance explained to the Lords Justices that £10,000 worth of stores had been supplied to the Province and never been repaid, whilst Parliament refused to make any provision for such services, both Burnet and Hunter represented the great necessity of supplying them. It was useless to expect the Assembly to contribute towards the efficiency of a force of which they were jealous as adding to the strength of the Government (134, 140).

Act
prohibiting
trade with
French in
Indian goods.

Another act, passed by the Assembly, was aimed at French influence with the Five Nations and Far Indians. It prohibited trading with the French in goods intended for the Indians. Hitherto such goods had been sold to the French through Albany, and were then distributed by them to the Indians, from Montreal. They thus gained both profit and influence from an Indian trade, which this act sought to divert to Albany and New York (206, 230, 303, 323).

Robert
Livingston.

Burnet derived his knowledge on this subject from the capable Secretary for Indian Affairs, Robert Livingston, who was also Speaker of the Assembly. As a reward for his services, the Governor successfully supported his application that his son should be appointed to succeed him (303, 303 i-v, 525, 556). He and the Mayor and Magistrates of Albany had represented to President Schuyler that the state of affairs was critical, and indicated their views as to the policy which ought to be pursued. The danger of an attack by the Five Nations upon the Southern Settlements could not be ignored. Livingston urged that they should be handled gently, and induced, if possible, to renew the Covenant Chain with Virginia, and bring the Indians in allegiance with them to peace (101, 188, 206, 230). After consultation with Hunter, the Council of Trade advised Burnet and Spotswood in the same sense. They recommended the Lieut. Governor of Virginia to waive his objection to meeting the Five Nations at Albany instead of their attending him at Williamsburgh, and to obtain the essential, the bringing of the Indians of his Government into a firm and lasting peace with the Five Nations, including the Tuscaroras. For Spotswood had been roused by their hostilities on the Virginian frontiers, and their refusal to meet him in conference except at Albany, to write a furious letter to Schuyler, and to prepare to use his militia against the Five Nations (147)⁽¹⁾. Before Burnet's arrival, President Schuyler had held a conference with the Five Nations (101, 188, 263), but it was sparsely attended (188, 263). However, he renewed the Covenant with them in the name of all the Colonies, including

Conference
with the Five
Nations.

(1) Cf. Pennsylvania Col. Records III.

Virginia (188, 263). Two Commissioners had just previously been sent from Albany to warn the Senecas against permitting the French design of building a blockhouse at Niagara (101). Afterwards they sent their interpreter with three Sachems to Niagara to protest against the French encroachments (May 1720). There they found the trading house built by Joncaire. The French trader in possession declared that the young Seneca warriors had given permission for it to be erected. This the Sachems stoutly denied, and subsequently asked the British to destroy it (144, 144 i). It was after this that Livingston and the magistrates of Albany made the representation (August and September) to the President and Council at New York referred to above, urging the building of forts, in order to support British rights and prestige against the encroachments of the French, and to restore the waning confidence of the Five Nations (206, 230). Before attempting to confer with the latter, Burnet awaited the arrival of presents for the Indians and stores of war from England, for which he repeatedly applied. But though the Council of Trade repeatedly recommended their despatch, he was at length obliged to go without them (303, 320, 596, 692). In the meantime he had written to the Governor of Canada (M. de Vaudreuil), protesting against his intrigues with the Senecas, as being contrary to the Treaty of Utrecht, and his occupation of Niagara before the boundaries had been settled by Commissioners (533, 534, 692). Vaudreuil replied with diplomatic denials and a general claim to previous possession. This letter, which threw over his agents, Joncaire and De Longueil, Burnet produced with effect when he met the Five Nations in conference at Albany on Sept. 1st, 1721 (692). The result of the Conference and his Speech to the Indians was satisfactory. The Indians agreed that they had been misled by the French. A forward policy was begun for capturing the trade with the Far Indians. Whilst the acts referred to above deflected trade from Canada to Albany, Burnet applied a grant of £500 made by the Assembly to establishing a trading post "at Tirandaquet" (Irondequoit) on Lake Ontario in co-operation with the Senecas and under the command of Peter Schuyler's son. He was instructed to purchase land above the Falls from the Indians (692, 692 i, ii). As to Virginia,

Burnet's
Conference
with Six
Nations.

Burnet placed before the Sachems Spotswood's repeated demands that the Five Nations and the Indians of Virginia should confine themselves to their respective sides of the Potomac and mountains forming the western boundaries of Virginia. The Sachems promised to do their best to secure the observance of this agreement.

Extravagant grants of land and Quit rents.

Burnet withheld his assent to an act *for facilitating the partition of lands in joint tenancy*, upon the report of the Surveyor General that it would prove prejudicial to the King's rights and Quit-rents. In a further report Cadwallader Colden reviewed the many extravagant grants which had been made in former times, and which might come within the scope of this act. It throws light upon the frauds practised in connection with them upon the Indians and the Crown alike. He calculated that if eight only of the patents were to pay half a crown per hundred acres, the quit-rents accruing would amount to £4176 instead of £17 17s. 6d. actually being paid. He drew the moral that a full survey of the Province should be made, and that the quit-rents which could be raised, if that were done, would provide a sufficient revenue for the support of the Government, without doing injustice or any hardship to anybody, "but a great deal of justice to the King." This method of raising a revenue was destined to be often mooted even to Shelburne's days, but never to be put into action (43, 729, 729 i-iii).

Dispute as to auditing accounts.

In June 1720, Horace Walpole, as Auditor General of the Plantations, made complaint that the Assembly of New York refused to allow his Deputy, George Clarke, to audit the Treasurer's accounts. He represented that this was done in order to retain control of the money granted by them for the use of the Government, without rendering any account of it to His Majesty (129). Soon after Lord Carteret took office, he sent instructions to Burnet to see to it that in accordance with an order made by the Treasury August 17th, 1720, no innovation should be permitted in the management of the Revenue, and that the Auditor and his Deputy should be allowed to collect his ancient and usual fees. He was to use his utmost applica-

tion and address in setting this matter right, for “the dependency of the Colony upon Great Britain depends in great measure upon your executing H.M. legal authority upon this occasion” (492). In a lengthy address to the Governor, the Assembly replied to the letter from the Treasury. They regarded it as necessary that they should have a Treasurer of their own in order to prevent the squandering of public money, which had prevailed in former administrations. One such extravagance had been the allowing a fee to the Auditor General of 5 p.c. upon the whole of the revenue. This, they argued, was not permitted by his commission, and was indeed regarded by the Auditor General himself as excessive. It was to avoid loading the country with the crushing weight of that 5 p.c., that the Treasurer refused to account with the Deputy Auditor. But as the whole amount of the salary at stake was not more than £200, their plea that it would ruin the trade and inhabitants of the Province, and render them unable to pay the salaries of the officers of the Government, is hardly convincing. The motive was evidently to obtain control of the public purse, and to avoid paying officers appointed by the Crown, or such persons as were deemed fit objects for the Royal bounty (534).

Act for
paying public
debts and
the Paper
Currency.

The Act of 1717 for *paying several debts* was confirmed, in consideration of the fact that the bills of credit authorised by it had already passed into circulation. But the occasion was taken for issuing orders to Governors as to the passing of such acts noted in § 1 (74). The paper currency of New York being based upon a secure and adequate sinking fund punctually applied had proved entirely beneficial, and unlike that of Massachusetts, had never been at a discount. It was used as an example by Sir Henry Mackworth in support of his proposal for a similar issue in Great Britain. Sir Henry stated that it was the outcome of a scheme advanced by himself at a Parliamentary Committee of Ways and Means about the year 1703 (343). The incident affords an interesting example of the action and reaction of ideas between the Colonies and the Mother Country.

Protest by
the
Palatines
at Schoharie.

The Palatine Refugees, who had quitted the Hudson and settled in the Schoharie Valley on the strength of a grant of lands by the Mohawk Indians, had done so without Governor Hunter's permission. The lands in question had formed part of the "extravagant grants" made in Governor Fletcher's time, and since those grants had been annulled and broken up, had been assigned to a group of Albany land speculators. The Palatines clung to their right of settlement obtained from the Indians. The new grantees insisted that they should become their tenants. Governor Hunter ordered them to accept that position, and when they refused, prohibited further cultivation of the land. In 1718 they determined to appeal to the Crown. Johan Conrad Weiser, who had been their leader in active resistance to the demands of the grantees, and Johan Wilhelm Schef (Schäff) started on a secret mission to England. After being captured by pirates, they reached London penniless. There they were detained in a Debtors' Prison, until funds for their redemption arrived from Schoharie. They then presented a petition for a grant of lands from the Crown. Their case was subjected to the searching and hostile criticism of Governor Hunter, who was now in England (155 i, 162-164, 282). When offered a choice of lands elsewhere, Weiser declared that they elected to remove to Schattery (Chettery or Schattera). But Schäff held out for Schoharie (268, 272), asking for a grant of lands there for those who had settled at the place, and of lands adjoining it for 500 families then scattered about New York (263, 268, 272, 282).

Burnet's
Settlement.

The case was referred to Governor Burnet, and the Palatines were recommended to conform themselves to the Governor's orders (305, 398, 399). On his visit to Albany he arranged that those who wished to remain at Schoharie should take leases from the new proprietors, whilst others were granted permission to purchase lands from the Mohawks and to settle on the Mohawk River, above Fort Hunter, a solution of their difficulty which also extended and held the frontier of New York (692).

New York.

Hunter returned answers to the Queries relating to New York, (187 i, ii) and the Board of Trade, in their General Report (656) carefully considered the condition of the Province and its

problems in relation to the Six Nations of Indians and the French (*v. § i.*).

The petition of Colonel Montgomerie concerning a settlement of salary (No. 564), is an undated copy of that of Lord Belhaven (*v. § 3*). It is bound up, in the contemporary binding, with that document, but should of course be attributed to the date of Montgomerie's appointment in 1728.

Nova Scotia
and the
South Sea
Company.

The affairs of Nova Scotia continued to be treated with a lamentable indecision. This may have been partly due to a move by the South Sea Company which, at the beginning of 1721, petitioned for a grant both of Nova Scotia and of the late French part of St. Kitts (350 i). Their petition roused other claimants and petitioners for grants of lands, Colonel Vetch on behalf of those who had taken part in the expedition against Port Royal, the Earl of Sutherland and Sir Alexander Cairnes (353–356, 358, 360, 362). The Council of Trade, however, did not neglect to lay before the Lords Justices the "very ill state of this Colony," as shown in Governor Philipps' reports. They recommended that a survey of the country should be completed forthwith, in order that the Governor might then be at liberty to make grants for settlement, that three more companies of his regiment should be removed from Placentia to Annapolis Royal, and that the Court of France should be invited to put a stop to encroachments upon the fishery at Canso by French ships from Cape Breton (168).

Representa-
tion by
Board of
Trade.

Whilst this representation was being made, in the summer of 1720, Philipps wrote from Annapolis Royal that the French inhabitants were in a state of indecision. They would, he believed, prefer to take the oath of allegiance to His Majesty and remain in Nova Scotia in enjoyment of their possessions. But their priests and the French Governors of Canada and Cape Breton (with which latter place they carried on a considerable clandestine trade) were doing their utmost to induce them to withdraw from Nova Scotia. In the absence of any vigorous demonstration of enterprise and power on the part of the British, French influence remained strong over both the inhabitants and the Indians (177, 180 i, 241, 261, 298, 298 xx). He enclosed a letter from the Governor of Cape Breton, in which M. de

The French
Inhabitants.

Brouillan attributed the failure of the inhabitants to leave the country within the period defined by the treaty to their lack of transport and to obstacles placed in their way by the late Governor Nicholson. Justice, he declared, demanded an extension of the time fixed, within which they must either take the oath of allegiance, or withdraw. (177 i). He protested against the Proclamation which Philipps had issued immediately upon his arrival in April, granting them an extension of four months for making a decision, in accordance with his Instructions (180 i, ii, xiii). The unfavourable reception of this Proclamation, and the activity of the French Missionaries, who were calculating on the fall of the Regent, are indicated in 180 i-xvii. Philipps ordered the River settlers to stop making a road through the woods to Minis (Les Mines) (180 i-iv). One of the reasons advanced for their refusal to take the oath of allegiance was that the Indians would cut their throats if they did (177, 180 i, v.).

Confronted by this opposition, and having neither orders nor power to drive out the non-juring French inhabitants, and aware that the Indians were entirely under the influence of the French, Philipps, with the advice and consent of his newly appointed Council, prolonged the time fixed for evacuation, and referred to the Home Government for instructions how to proceed (180 i, vi). His own suggestions were that a modified form of the oath of allegiance should be devised for the French inhabitants, and that some Mohawks should be brought in to overawe the Indians, whilst he asked for permission to arm a sloop, for an increase of the garrison, and prompt settlement of the Eastern Coast (177, 180 i, 241, 241 xvii, xviii).

Philipps'
suggestions.

Instructions
by the
Council of
Trade.

On receiving this letter, the Council of Trade submitted to Mr. Secretary Craggs Philipps' request for a sloop and reinforcements (322). To Governor Philipps, the Board wrote that since the French inhabitants seemed unlikely ever to make good British subjects, they were of opinion they had better be removed from the Province, so soon as the reinforcements now proposed should have arrived. But he was not to take action without positive orders for their removal. In the meantime he was to

" pursue the same prudent and cautious conduct towards them," and to let them know that, if they were permitted to remain, they would certainly be allowed the free exercise of their religion (342).

French and
Indians
plunder the
fishery at
Canso,

Philipps' expectation of hostile co-operation between the French and Indians was quickly realised. Whilst the assignment of the French ships seized at Canso in 1719 was being reconsidered (219, 226, 253), a combined force of French and Indians from Cape Breton made reprisal by attacking the English fishery there, seizing several ships and much plunder. The fishermen complained to the Governor of Cape Breton, who protested that he had no control over the Indians, though the Indians declared that they were acting under his orders (241, 241 i-v, 261, 261 xviii, 298, 298 iv, vi). Thomas Richards, however, a master of a ship riding at Canso, went in pursuit with a couple of fishing vessels, and recaptured six of the shallops with some of the plunder, and 15 French prisoners. Meanwhile, application for help had been made to Governor Philipps, who sent some soldiers with Major Armstrong from Annapolis Royal, and a letter to M. de Brouillan demanding restitution (241, 241 viii, ix).

And at
Les Mines.

Flushed with their success at Canso, some of the Indians, on their return to Les Mines, plundered there a New England sloop, claiming the country for themselves, obviously at the instigation of the Jesuit priest there. Philipps, aware that his authority extended no further than cannon shot from the Fort at Annapolis, was obliged to content himself with writing a letter to the French inhabitants, asking why they had made no attempt to restrain the Indians (241, 241 xii-xv).

Reinforce-
ments
requested,

In view of the hostile attitude of the French and Indians, the Governor, Council and Officers of the garrison asked for immediate reinforcements and fortification of the Colony (241 xvii, xviii, xx, 298). Meanwhile the fishermen and settlers at Canso combined to build some lodgings for the company Philipps had sent to secure the place (298, 298 iii, v, 614, 676). On hearing of the attack upon Canso from Mr. Cumings, the Council of Trade hastened to recommend that compensation for the French

And recom-
mended
by Council
of Trade.

ships seized by Capt. Smart, which they had just suggested (253), should be withheld until redress was made for this outrage (261, 266). They also recommended that reinforcements should be sent and forts erected on the coast to protect the Fishery (266, 322, 342). Capt. Young, H.M.S. *Rose*, had also suggested a fort on Canso Island, and a guard-ship. He emphasised the value of the Canso fishery. When he had protested to the Governor of Cape Breton against the encroachment by the French there, M. de Brouillan had admitted that it was contrary to the Treaty, and promised to put a stop to it (269).

Canso.
French
interpreta-
tion of the
maps and
Treaty.

Capt. Young brought over a chart of Canso (467, 481). It was badly needed (219, 223, 223 i, ii, 231, 232 ii, 238). For the battle of the islands was being waged in Paris by the Commissaries for settling the boundaries under the Treaty of Utrecht. In the absence of correct charts, the diplomatists argued wildly. The British claimed the sole right to the fishing off Cape Canso, including (since they did not quite know where they were) the Islands of Canso. They founded their title to the Fishery on the Treaty of Neutrality as well as that of Utrecht. The former restrained the French from fishing anywhere on British coasts in America, and the latter from fishing on the coast of Nova Scotia within thirty leagues, stretching from the Island of Sable to the S.W. The British title to the Islands of Canso was based on the clause in the Treaty of Utrecht which conceded to Great Britain Nova Scotia and all islands belonging to it, except Cape Breton and the islands lying in the mouth of the River of St. Lawrence and in the gulph of the same name. The islands of Canso, it was contended, did not lie in the mouth of the River, nor in the gulf, but closely adjacent to the coast of Nova Scotia, and almost joining the Cape of Canso. They were therefore not excepted from the general cession of Nova Scotia and all islands belonging to it. At what the British Ambassador describes as "a tumultuary conference" in Sept. 1720, the French Commissaries laid claim to the Canso Islands. They produced charts which located the islands near the middle of the mouth of the Gut of Canso. Drawing a line from Sable Island (placed in these charts where it suited them best), to the South West of Cape Canso, they deduced a claim not only to

French and
British
claims to
Canso
Fishery.

the fishery about the Cape, but also to part of the Cape itself, which, they insinuated, had been no part of the French province of Accadie, ceded by the Treaty. When forced to abandon this position, they contended that since all the islands in the mouths of the Gulf of St. Laurence, together with Cape Breton, were reserved to them by the Treaty, the Islands of Canso were included in this exception. They supported this contention by quoting the French version of the Treaty, which differed, or could be construed to differ, from the Latin version to which the British Commissaries adhered. The difference lay between the exception in favour of the French of Cape Breton and the other islands "lying in the mouth of the River St. Laurence and in the Gulf of the same name" (according to the Latin), and "in the mouth and in the gulf of St. Laurence" (according to the French). Possibly, as Mr. Pulteney suggested, the words "du fleuve" had somehow been omitted after "l'embouchure" in the French version. From these premises, and by a large interpretation of the "mouth of the Gulf," the French Commissaries maintained their right to the Islands of Canso as being within it. The British Representatives objected to opening the jaws of the Gulf so wide. After a heated discussion, Du Bois consented to submit a report of the Conference to the Regent for his immediate decision, while Sir Robert Sutton insisted that any further objections the French might have to offer should be made in the form of an answer to the Memorial he had put in (219, 223, i, ii, 231). The French showed no sign of yielding. The Regent agreed to prohibit French subjects from fishing off the coast of Nova Scotia within the limits prescribed by the Treaty. But the Islands of Canso he insisted were reserved to France as being "situated in the mouth and in the gulf of St. Laurence," and as being "no part of Nova Scotia, from which they are separated by a broad and deep arm of the sea, which is the same as that which separates the Peninsula, where Nova Scotia is, from the Island of Cape Breton" (232 ii). Pulteney himself was left guessing as to whether the islands in question were a parcel of rocks adjoining the Cape, or separated from it by a large branch of the sea, as the French maintained (223 i, 231, 238).

Boundaries
of Nova
Scotia.
A French
Map.

The reference in Du Bois's memorial to the "Peninsula, where Nova Scotia is" (232 ii), is significant. The French Commissaries intended, when they came to treat of the boundaries of Nova Scotia, to limit them "to that part only which makes it a peninsula" (223 i). The French theory is illustrated by D'Anville's map, published under the patronage of the Duke of Orleans, in which the boundary of Nova Scotia is defined by a line drawn from Lake Ontario to the bottom of the Bay of Fundy.

Bolingbroke
and Cape
Breton.

Pulteney narrates an interesting reminiscence of the negotiations for the Treaty of Utrecht. It had been proposed to divide Cape Breton between the French and British. When the French insisted upon the whole, Bolingbroke remarked that it could only be with a view to disturbing our settlements of Nova Scotia. "What," Pulteney comments, "are we to judge of their insisting on islands which lye much nearer than Cape Breton to Nova Scotia, and even claiming part of Nova Scotia?" (223 i). As it was reported that the French were settling on St. John's Island, facing Chignecto, Lord Townshend enquired of the Council of Trade how that matter stood (241, 241 xvii, xviii, 389, 389 i). The Board had to admit that as the Island lies in the Gulf of St. Laurence, the French title was probably good. But in view of the attitude of obstruction and encroachment taken up by them, they thought it might be advisable to claim it under the 12th Article of the Treaty, on the grounds that it lay so close to the shores that it might be said to belong to Nova Scotia (405).

Report by
Council of
Trade.

The Council of Trade had received reports upon the Province in reply to their Queries from Major Mascarene and Colonel Vetch (203, 241 xx). In view of the French claims, they stated in their General Representation what they took to be the correct boundaries (158, 177, 656), and to counter French encroachments on the fishery, recommended that the coast and islands should be provisioned and fortified. The four regiments they proposed to be sent there would help to supply the place of the French inhabitants. These, they advised, should be ordered to quit the Province; but as a matter of grace be allowed to take their

Survey of Woods.

moveable property with them (656). They recommended the immediate despatch of the Surveyor of H.M. Woods to mark out 200,000 acres of forest lands to be reserved for the Navy, in order that the Governor might be enabled to proceed with the granting of lands to settlers as he continued to urge (656, 676).

Canso Fishery.

The value of the Fishery, upon which Philipps continued to insist, was fully appreciated by the New Englanders (177, 676, 699 ii). He proposed that Canso should be made a free port (676).

Coal Mines.

Coal mines were already being worked. (177).

Lands between Nova Scotia and Maine.

The Committee of the Privy Council reported upon the claims and petitions relating to the lands between Nova Scotia and Maine. They proposed that the tract between the River Kennebec and St. Croix should be erected into a separate Government; that the lands between the Kennebec and Penobscot should continue to be enjoyed by the present possessors, whilst any part not yet granted should be at the disposal of Massachusetts to grant at a stated quit rent, on condition that that Colony renounced all claim to lands north of Penobscot, and any right of government in the lands east of the Kennebec. The right of the Crown to the lands from the north of the Penobscot to the St. Croix was declared to be established (324).

Pennsylvania

The Delaware Islands.

Another claim was decided in favour of the Crown. The Attorney and Solicitor General gave their opinion that no part of the Delaware River or the islands lying therein were comprised in the charters either of Pennsylvania or New Jersey, but that the right to them remained in the Crown (552, 602). The Council of Trade thereupon recommended Capt. Gookin's petition for a grant of the islands (646).

Colonel Hart's Report.

Colonel Hart, the late Governor of Maryland, returned answers as to the conditions, immigration, and resources of the Colony (309). The Board of Trade in their General Report recommended the completion of the purchase of the Government from the Proprietor, and that half of the rents and profits arising from the Three Lower Counties, as belonging to the

Crown, should be accounted as part payment (306, 316, 566). In noting the little care taken by the Quaker Province for its defence, the Board admitted that fair and just dealings with the Indians had so far rendered it unnecessary (656).

Virginia.

At the beginning of 1720, Spotswood was still at feud with the Blair-Ludwell-Byrd faction in the Council of Virginia. Blair was active in rousing opposition to the ruling on the right of the Crown to collation to benefices, and Ludwell still objected to the Governor's nomination of judges for the Courts of Oyer and Terminer (12, 147). At the end of April, however, a reconciliation was suddenly effected, and Spotswood invited the Board of Trade to disregard his former complaints against the Councillors (62, 63). A lively, if partisan, account of Spotswood's motives in this affair is given by one of his critics (679). So, too, with the Assembly. Summoned to meet after an interval of two years, and composed largely of the same representatives as before, it nevertheless responded to Spotswood's advances by a flattering address (Nov. 1720). The Governor, who had previously been denounced as an oppressor of H.M. subjects and subvertor of the Constitution, was now found to be great and good, just and wise (359, 359 iii, 396, 679). This Address was the Assembly's reply to Spotswood's opening speech, in which he appealed for moderation and concord, and pointed to his own commitments in the Colony as sufficient proof of his desire for its welfare. Like Governor Nicholson, he insisted that the prosperity of the Plantations went hand in hand with the interest of Great Britain. "I look," he said, "upon Virginia as a rib taken from Great Britain's side, and believe that while they both proceed as living under the marriage compact, this Eve might thrive so long as her Adam flourishes, and whatever serpent shall tempt her to go astray . . . will but quicken her husband to rule more strictly over her." The most important result of the new understanding between Governor, Council, and Assembly was the passing of several measures for which Spotswood had long been contending. Chief among these was the Act for erecting the new counties of Brunswick and Spotsylvania. In his opening speech Spots-

Lt. Gov.
Spotswood
reconciled
with Council,
and
Assembly.

Policy of
Westward
Expansion.

wood reminded the Assembly of the need of measures for defence, the division of over-large counties and parishes, and the extension of settlements up to the Great Mountains. Acts were accordingly passed for dividing counties and parishes (359 iii, 396), and by the passing of the act for erecting the two new counties of Spotsylvania and Brunswick, the Council and Assembly proclaimed their conversion to Spotswood's policy of westward expansion, in order to safeguard the frontier against the advance of the French in the valley of the Mississippi. The object of this act was to secure the passes through the Blue Ridge. The northern pass at the head of the Rappahannock had been explored by Spotswood, but the Southern pass, at the head of the Roanoke River, was only known by hearsay from Indians (359). To encourage the settlement of these new counties, settlers were exempted from taxation for ten years, and the provision of a church, a Court-house, and arms was promised them. The Council and Assembly demonstrated their sense of the urgency of this measure by petitioning the King not only for the remission of quit-rents, etc., there for ten years, but also for the erection of a fort at each of the two passes, to be garrisoned by regular troops. This in a people "who have the greatest jealousy of and aversion to a military power," Spotswood observes, was a proof of their "thorough conviction of the necessity thereof." (359, 359 i., 679). When his address was referred to the Board of Trade (417, 417 i) the Commissioners, who had previously recommended that part of the surplus revenue of the Province should be applied to the extension of settlements to the frontier and the erection of forts (147), now reported strongly in favour of granting each item of the Virginian request.

But if the quit-rents were to be remitted for ten years, they recommended that care should be taken to safeguard the quit-rents of lands already granted, and to restrict new grants of land to 1000 acres to any one person in his own or another name (575). This wise advice, however, did not prevent Spotswood from obtaining possession of an enormous acreage in the frontier counties he was determined to develop (679).

Other Acts.

In this he was helped to some extent by a new Act *declaring what shall be a sufficient seating etc.* (359, 469, 679). Spotswood argued at length in favour of another act *for the better discovery of H.M. Quit-rents* (359), but Mr. West gave his opinion that it was a manifest encroachment on the rights of the Crown, and would tend to weaken its power of recovering quit-rents overdue (469). Other acts were passed for the improvement of the tobacco trade, and other objects of local interest. It was further resolved to build a lighthouse on Cape Henry with the co-operation of Maryland. But as this would involve a duty on British shipping, Spotswood asked for instructions before passing an act for that purpose (396).

To one act of some importance he refused his consent, on grounds which he explained to the Board of Trade.

This was an act *for regulating the elections of Burgesses, defining their privileges and ascertaining their allowances.* In order to avoid disputes on that subject, he asked that the privileges and powers of the House might be defined. He took exception to the Assembly's attempt to appoint an Agent on their own account, and to assert control over the King's officers (396). Two letters from Spotswood, one to the Board of Trade and the other to Mr. Secretary Craggs, which are printed in the Spotswood Letters II (pp. 335–343), are missing from the Colonial Records in London. In the first, Spotswood transmitted answers to the queries of the Board (7th Aug. 1719), and their enquiries as to boundaries and encroachments by foreign powers. He announced the capture of pirates in Captain Knott's vessel, and suggested a Royal Proclamation for encouraging the discovery of piratical effects.

In the second, he welcomed the announcement of the accession of Spain to the Quadruple Alliance, gave a list of ships previously captured by Spanish privateers from St. Augustine, and repeated the gist of what he had written to the Council of Trade as to the settlement of his dispute with the Council, and about pirates.

The most important part of the former letter is that in which he gives his opinion on the subject of the progress and encroachments of foreign powers on the Continent. In May 1721 he reported that the Spanish privateers were still seizing British ships, regardless of the Cessation of Arms. He sent a flag of truce to St. Augustine to demand restitution, but the

Lighthouse
on Cape
Henry.

Objection
to the
Assembly's
Agent.

Ship taken
by Spanish
privateers.

Spanish Governor gave him little satisfaction. Spotswood's comment was pointed :—“ The traders in these parts lie at the mercy of the Spaniards, for if the having on board their vessels any commodity of the like species with those that are produced in the Spanish Plantations, nay even a pistole or piece of eight, which is the common currency of these Colonys, be (as the Spaniards pretend), sufficient ground for making a prize . . . each ship trading in America may be seized. . . .” (513).

Depredations by Pirates.

The depredations by pirates and the dread of a visit from Roberts, the pirate who had recently made a raid on ships in Newfoundland, occasioned the erection of batteries to defend the mouths of the rivers, whilst the Lt. Governor and Assembly made request for larger men of war to defend their coast (513).

The Five Nations.

Though the need of coming to an understanding with the Five Nations of Indians was made apparent by their hostilities with the Catawbas and other tribes on the Virginian frontier, and was recommended by the Council of Trade, the Assembly refused to enter into a Treaty with them until they had consented to the preliminaries laid down by them in 1717. Negotiations on the subject are described above (§ 2. New York) (396).

A flourishing Revenue.

Several accounts show the flourishing state of the Virginian revenue (513 i, ii, etc.)

§ III.

THE WEST INDIES.

Bahama Islands.

This period opens with an account by Governor Rogers of the measures he had taken to repel an attack by the Spaniards on the Bahamas, and information of their preparation to renew it. Commodore Vernon had sailed from Jamaica with two men of war, but had arrived too late to intercept them (35, 47, 47 i-iv). Rogers had hoped to co-operate with Vernon in a counter attack upon the invaders, and thereby both to teach them a lesson and obtain some means of support for himself and the Colony. For with his bills of exchange unpaid, and no instructions received from home, he was finding the burden of providing for the

Rogers' Design against Mexico.

garrison and defence of his government intolerable. Without an Assembly, he could raise no funds in the islands. He applied for leave to go home, "to settle the affairs of this neglected Colony," and to answer whatever charges were being laid against him (47, 167). He was presently in conflict with Captain Gale, Commander of the guardship *Delicia*, whom he arrested for mutinous conduct (167, 167 i-vii). Reports of the progress made and likely to be made by the French against the Spaniards in Mexico, stirred in the old sea Captain memories of his voyage in the South Seas. The Indians in the Spanish provinces had assured him that if the English or French would arm and support them, they would rise and free themselves from the slavery of the Spaniards. The time seemed to him ripe for putting such a design into practice and forestalling the French. In November 1720 he paid a visit to South Carolina, hoping to obtain supplies from Governor Nicholson. But Nicholson had not arrived. Presently he heard to his consternation of the sale of the old Bahama Company and the formation of a new Co-partnership. Concerning this transaction and all other matters affecting his Government he had been left entirely in the dark. He heard, too, that his emissary, Lt. Beauchamp, had played him false, and learned of the vast confusion caused by the pricking of the South Sea Bubble. He decided therefore to hasten home in order to justify himself and defend his rights, to plead the cause of the Colony, and to lay before the Secretary of State his plan for a secret expedition against Mexico, a scheme suggested and supported by the highly interesting experience of Drs. Sinclair and Rowan as Physicians to the Viceroy (47, 47 iii, v., 302, 304 i, 326, 327, 327 i, ii, 390).

Resumption of Patent to the Crown.

Meantime an attempt had been made on behalf of Lord Craven to challenge the surrender by the Proprietors of their Patent during his infancy (157, 157 i, 160). The Board of Trade, in their reply, carried the war into the enemy's camp. Even if the surrender had not been made, the Proprietors by their neglect had forfeited their right of government, and it might be proper to consider whether they had not also forfeited their propriety of the soil (161, 161 i-iii). Upon this report, the Lords Justices ordered the Law Officers of the Crown to bring

a Scire facias for vacating the Letters Patent and resuming the Bahama Islands to the Crown (170). The Board of Trade was also instructed to report what measures were necessary for their defence (220). The Lessees on being consulted (221), gave an account of their efforts and expenditure to secure the Islands. But, threatened with a combined attack by the pirates who had been expelled, they were obliged to appeal for assistance from the Government in the shape of guns, ammunition, and an Independent Company (224). The Board of Trade recommended the despatch of the stores of war requested (225). In the following Spring, the Lessees petitioned for a Charter in order to enable them to carry on so great an undertaking (455, 455 i). They explained their position to the Board of Trade in a memorial in answer to its enquiries, stating that they had spent over £100,000 on the recovery and defence of the islands; disclaiming any intention of the "wicked practice" of stock jobbing; and making certain offers (498, 506). In their report upon this proposal, the Board of Trade recommended that the request for a second Independent Company should be granted, and that the Crown should pay the Governors' salary until the Colony was able to pay its way. They offered no objection to granting the Co-partners a Charter of Incorporation, provided that proper precautions were taken to prevent stock-jobbing, and other inconveniences, which had arisen in connection with the Incorporated Companies. Such precautions had been readily agreed to. Powers of Government were to remain in the Crown (555 i).

Governor
Phenney
appointed.

Request for
Assembly.

Charges
against
Fairfax.

George Phenney had already been appointed to succeed Rogers as Governor (524, 536 i). He took with him some guns and ammunition, but it was then admitted that the Fort Nassau was in such a state of disrepair that it required to be rebuilt before the guns could be mounted. But funds for that purpose and other public works could not be raised except through an Assembly. For an Assembly, then, the Governor and Council petitioned (726, 728). James Gohier, one of the Co-partners, who was acting as Agent and Factor for the Company, brought charges against William Fairfax whom Rogers had appointed to act as Lieutenant Governor (302, 390, 728 iv, v).

The Lessees
appeal
for help.

And a
Charter.

Barbados.
Governor
Lowther,
recalled,
suspends
Samuel Cox.

Robert Lowther, Governor of Barbados, having been recalled, March 1720, to answer the charges which had been preferred against him (20, 20 i), it was further represented that he intended to suspend Samuel Cox, the eldest Councillor, in order that his nephew, Col. John Frere, the next in seniority, might carry on the administration as President of the Council (21. i). Sir Charles Cox petitioned on behalf of his brother, and Mr. Secretary Craggs at once wrote to remind Lowther of his instructions regarding the eldest Councillor (25, 30-32). The Council of Trade, however, represented that Sir Charles Cox's petition being founded merely on apprehension, and not upon fact, it could not be presumed otherwise than that Lowther would act according to his instructions (36). But the apprehension was quickly justified by fact. Charges had been brought against Cox of illegal trading and illicit proceedings when Naval Officer (34), and though Craggs sent Lowther more explicit orders in June, bidding him follow his instructions as to leaving the government in the hands of the eldest Councillor, and on no pretence whatsoever to exclude Samuel Cox (105), a month later Colonel Frere was writing from Barbados as President of the Council and Commander in Chief (145). Lowther in fact, before departing, had not only suspended Cox, but also it was alleged, having put all offices, civil and military, in the hands of such persons as would prevent an examination into his maladministration, he had passed an act, *for better preserving the peace and tranquillity of the Island*. This act curtailed the powers of the President, and was intended to prevent the displacement of the officers Lowther had appointed, by making the consent of seven members of Council necessary for that purpose instead of five and the Governor. As there were only eight members of Council in the island, this placed the negative in the power of two of them.

Cox
suspended.
Col. Frere
President
of Council.

Act
for better
preserving
the peace.

Cox,
restored,
retaliates.

The Lords Justices thereupon directed that Cox should be restored, and ordered Frere to appear before the King in Council to answer for contempt (317, 366 i). Cox promptly availed himself of his power as President of the Council to retaliate. Ignoring the "Tranquillity Act," he suspended Colonel Frere and six other members of Council, replacing them by his friends,

Suspends
Councillors
and quarrels
with
Assembly.

and displacing the militia officers without the advice or consent of the Council. (*Jan. 1721, Nos. 317, 364, 366, 366 i-v*). He was expected to displace the judges, and then to dissolve the Assembly and, with the aid of his creatures, to summon a new one to divide the spoil (364). He was charged outright with being interested in trade with Martinique. The facilities he gave to the French traders to explore the island and its fortifications produced an outburst of indignation (364, 384).

A Jacobite
revolution.

Frere, relying upon Lowther's influence at Court to reverse this state of affairs, organised addresses to the Crown, both in the country and at a private meeting of the Assembly after it had been adjourned by Cox. Over this Cox fell foul first with the Speaker, and then with the rest of the Assembly (366, 366 i-v, 374, 384, 419 i, 421, 422 i, ii, 423 i, ii). The suspended Councillors, in a petition to the King, and the Assembly in their address made it plain that the changes made by Cox were all in favour of the Jacobite and Frenchified party, whose hand had been shown during the late Mr. Sharpe's Presidency (422 ii, 423 ii), The blatancy of these proceedings prompted the Council of Trade to recommend that Cox should be suspended both from the Presidentship and the Council, and that six of the seven Councillors he had suspended should be restored (the case of Colonel Frere lying before the Lords Justices). Further proceedings, they hinted, should be taken against Cox for his arbitrary and illegal behaviour (435 i).

Cox
suspended
and
Councillors
restored.

Appointment
and death
of
Lord Irvine.

Cox and
the new
Assembly.

In the meantime Viscount Irwin (Irvine) had been appointed to succeed Governor Lowther (*Jan. 1721, 367, 370*). But before he could sail, he died of small-pox (517). In the absence of a Governor, confusion increased in Barbados. Cox went from one extreme to another. Having dissolved the Assembly he called another. But in the elections for the parishes his opponents carried four, in spite of the efforts of the Sheriffs, whom Cox had put in. This gave eight Lowtherites against ten Coxites. But the parishes of St. James and St. Andrews were not represented, writs for them not having been published. If they had been, it was thought, Cox's supporters would have been in a minority. When they met to be sworn, an endeavour

was made, by locking them into a room, to compel the elected members to form a house. But the eight Lowtherite members managed to escape, and refused to make a house until representatives had been returned for the remaining two parishes (490, 490 i, ii). Cox then issued new writs for all six parishes, although the elected members were alive and had not been expelled. Elections were held in a disorderly fashion described in No. 517. Protests and remonstrances were entered (490 i, ii, 517, 517 i-iii).

Arrest of
Cox
ordered.

On learning of these proceedings, the Council of Trade proposed that Lord Belhaven, who had been appointed Governor in April, should proceed immediately to Barbados and send Cox home under arrest, to answer for his behaviour (590). Orders were given to this effect, and also for restoring the civil and military officers displaced by Cox. Lord Belhaven was to enquire into and report upon the complaints lodged against him by the Assembly and suspended Councillors (508-510). At the same time Lowther's act *for preserving the peace etc.*, was repealed (511). Belhaven was to restore Colonel Frere if he thought fit (609), but Cox was retained in the list of Councillors, until he had been heard in his defence (605, 630). Cox having restored the suspended Councillors, in obedience to these orders in Council, soon took occasion to complain that they were heaping insults upon him, and obstructing the administration by quarrelling with the Assembly and declaring the Excise Act void (621). He brought some charges against Judge Sutton, whilst asserting his own innocence, and he presently removed him (675, 675 i, 687, 687 i-v, 713, 753, 754). To this the Council of Barbados replied, representing his behaviour as "one continued series of tyranny and oppression" (709, 710). The arrival of Lord Belhaven was therefore anxiously awaited. The Commission and Instructions which had been prepared for Lord Irvine were transferred to Lord Belhaven. The Instructions varied considerably from those which had been given to Governor Lowther. In the first place they embodied those alterations which had been made in the Instructions given to the Governor of Jamaica (Dec. 18, 1717), as well as Additional Instructions since ordered.

Alterations
in Lord
Belhaven's
Instructions.

Private Acts. In the next place, a new clause was inserted to prevent private acts from coming into force until they had received the sanction of the Crown, and unless public notice had been given by the parties concerned of their intention to apply for them. A new article exempting Customs House officers from serving on juries or in the Militia complied with a request from the Commissioners of Customs. In view of the dearth of white people in Barbados, the article recommending the erection of work-houses was omitted. An addition to the Article relating to the President of the Council was designed to prevent a repetition of Cox's misbehaviour (456, 458, 474, 478, 605, 605 i, 630).

Customs
House
Officers.

President
of the
Council.

Presents to
Governors.

Lord Belhaven had requested that the restriction as to presents from the Assembly might be removed, since it had not been observed in the past, and it was recognised that the Governor's salary was insufficient. The Council of Trade reported that if the Instructions had been ignored, it was a pernicious practice. But if the salary was inadequate, they had no objection to the Assembly being empowered to make, immediately upon his arrival, such addition as it thought fit, to the Governor's salary, provided that it was a settlement for the duration of his Governorship. This was sanctioned. The addition must be granted by the first Assembly after the Governor's arrival (550 i, 553 i, 563, 565, 605, 605 i).

Tobago
included in
Governor's
Commission.

Lord Irvine, shortly before his death, had raised the point that Tobago was not mentioned in his Commission (377). The Council of Trade gave their opinion that there was no reason why it should not be (383, 456, 458, 474, 478). Belhaven asked leave to encourage planting there and permission to make grants of land (659 i). The Council of Trade thereupon expressed their agreement in general, provided it was done by the advice of the Council of Barbados and in such a way as not to interfere with the produce of the other Caribbee Islands, by the planting of more sugar canes. Attention should be concentrated on indigo, anatto, and cocoa, for which the soil was fitted; and which the other Islands did not produce. Exemption for quit-rents might be granted for three years to the new planters, and grants limited to 500 acres to any one person, but not to any

resident in the other islands (666). When Carteret suggested that it would be better to reduce the limit of grants (671), the Board revised their proposal, suggesting a maximum of 300 acres with the obligation upon each patentee to cultivate one in fifty every year, and to employ white servants in the proportion proposed by them for settling the French part of St. Christopher (678). An Additional Instruction to this effect was then drawn up (689, 693). The untimely death of Lord Belhaven, drowned on the outward voyage, prevented his putting these plans into execution. Henry Worsley was appointed to succeed him (725, 733 i, 749, 752).

Death of
Lord
Belhaven.

Worsley
appointed
Governor.

Lowther and
Gordon.

The Rev. William Gordon, the trading parson, had urged the settlement of Tobago and described its possibilities to Townshend and Carteret (460, 460 i, iii). Governor Lowther, in replying to the charges brought against him in connection with Mr. Gordon, reviewed in lively terms the latter's conduct, before he had fled from the Island with Blenman and Hope. Lowther represented that he had circulated "a large cargo of that braded stuff call'd *The Miserable State of Barbados*," to which he had replied by his declaration in the previous year. Gordon's answers to Lowther's Declaration having been voted by the Council and Assembly to be false, scandalous, and seditious, they were burned by the common hangman before the Customs House door, and his character having been shown by many depositions to be worse even than Lowther had represented to the Bishop of London, an act was passed to deprive him of his benefice (29, 452). So Lowther. But his accusations against Gordon were found by the Lords Justices to be altogether groundless, a verdict somewhat surprising in view of the evidence Lowther had accumulated against him (280). Gordon was therefore encouraged to petition against the act depriving him of his benefice, as well as the act for regulating Vestries, which was also directed against him, and the Council of Trade advised their repeal (280, 361 ii, iii, 439, 616).

Report
upon Acts.

Several acts were considered, and the Council of Trade in reporting upon them advised that thirty three of them should be allowed to lie by probationary, until it was seen what their

*Act for
commuting
powder duty
repealed.*

*Act for
security by
appellees.*

effect was (114, 149, 348, 495, 529 i, 616). The act *empowering the Governor to commute the powder duty* was repealed (114, 139, 265, 290). The act *appointing security to be given by appellees* was presented for confirmation by the Council of Trade, in spite of a protest from a patent office holder, who argued that it encroached upon his perquisites (462 i, 465, 576, 576 i, 588).

*Sta. Lucia.
Reports and
Petitions.*

Whilst the Commissaries at Paris were waiting for the French to substantiate their claim to Sta. Lucia (2), William Sharpe, formerly President of the Council of Barbados, and Mr. Gordon made reports upon its history and resources (6 i, 7, 148), and Capt. Evans petitioned for a grant of the island to himself and others (87, 721). The Council of Trade reported that they had no objection to his being awarded a portion there on the same conditions as they had laid down for settling Tobago (724).

*Bermuda
Census.*

In returning a census of the inhabitants of Bermuda, Lt. Governor Bennett observed that one third of the white population was generally at sea (463, 463 ii). A pirate was executed there in Aug. 1720 (277, 277 i). Bennett reported that the pirates were threatening to seize the island, and make the place "a new Madagascar." He forwarded accounts of the atrocities by John Roberts and others (463, 463 iii). Bennett was superseded in Aug. 1721, John Hope being appointed in his stead (624). His Instructions were similar to those given to Lord Belhaven for Barbados (652, 680 i).

*Pirates
threaten.*

*John Hope
succeeds
Bennett.*

Jamaica.

*The
Assembly
recalcitrant.*

From Jamaica the Lieutenant Governor, Sir Nicholas Lawes, announced that the Assembly had made a dutiful address in reply to his Speech, when they met after an adjournment in June, 1720. He was in hopes that they would comply with their engagements (116). In November, however, he had to report that his endeavours to induce them to obey the King's orders had proved ineffectual. The country being in debt, it was impossible to pay the money due to Lord Archibald Hamilton out of the revenue, and the Assembly refused to reimburse the Treasury for that debt, or to settle a revenue. Finding them in this mood, Lawes adjourned them till the beginning of the year, after they had passed an additional duty bill laying a tax on negroes imported and exported, with

an exemption in favour of those touching only for refreshment, and another act laying £1000 tax on Jews, to provide for two country sloops to guard the coast against pirates and privateers from Trinidad (288, 288 i–iii). In what Commodore Vernon termed a lying preamble to the latter act, the Assembly declared that the Naval Squadron failed to protect their coasts and trade, and further charged the men of war with carrying on trade to the detriment of the merchants (527 i–xxxv). For Spanish privateers commissioned and protected, particularly by the Governor of Trinidad in Cuba, ignored the cessation of arms, and continued to infest the island, and even landed and carried off negroes from the Jamaica plantations (213, 288, 340, 523, 527 i ff, 634). The tax thus laid upon Jews, however, was thought by Lawes to be excessive (523). They were already subject to several disabilities, and as loyal subjects of the King, they resented and petitioned against being excepted from the Act for encouraging white settlers (720 i).

Depredations
by Spanish
Privateers.

Tax on
Jews.

Lawes
suggests an
Act of
Parliament
for settling
the Revenue,
and dissolves
the
Assembly.

In view of the stubborn attitude of the Assembly, Lawes suggested that pressure should now be applied by the introduction of a bill in the House of Commons for settling the revenue, even if this were only intended as a gesture. He proposed that such an Act should render the Government independent of the Assembly by doubling the quit rents, and adding to them the provisions of the Additional duty bill and revenue act (288, 288 i–iii, 459, 523, 634, 705). At the end of the year the Council of Trade wrote expressing their anxiety for the passing of the perpetual revenue act, and repeating assurances to the Assembly that no reasonable privileges would be denied H.M. subjects if they passed it (338). But the Assembly was not to be cajoled. "Heats and animosities and private views" prevailed when the House met again in January, until Lawes was driven to dissolve it (459). But the new Assembly when it met in June, 1721, proved to be still of the same mind, and under the influence of Peter Beckford and his faction (562). The majority still refused to make good the growing deficit of the Treasury, or to comply with the King's commands for the payment of the money due to Lord Archibald Hamilton. Warrants were issued for the arrest of those

Members who recorded their reasons for dissenting from the resolution of the House on this subject (380, 527 xxxv, 562, 562 ii). After several messages had passed between the Governor and the House, the Assembly drew up an Address to the King stating their reasons for not complying with the Sign Manual (364, 364 i, 380).

When the House met after a prorogation, and again took up its quarrel with the Members who had given their reasons for dissenting from the resolution upon Hamilton's debt, Lawes once more urged the intervention of Parliament. (705, 705 i).

Acts passed. He had given his assent to four acts, including one defining the qualifications of members of Assembly, and another for settling the North East part of the Island, on which he commented (634).

Encouragement of Immigrants from the Leeward Islands prohibited. The Assembly had been anxious to encourage settlers in the Virgin Islands to emigrate to Jamaica, and proposals were sent to that effect (213, 213 vii, 288, 500, 562, 562 iii, 597). But as this would obviously conflict with the interests of the Leeward Islands, Lawes was instructed not to countenance any such measure (500, 640). It had been intended to settle the immigrants in the Eastern part of the Island.

At the same time a party of Mosquito Indians was brought over from the mainland to track down and suppress the rebellious and runaway negroes, who were maintaining themselves in the woods and mountains (213, 213 viii, 288).

Commodore Vernon and French indigo.

Lawes was involved in a violent dispute with Capt. Vernon, Commodore of the Naval Squadron. The Governor ordered the seizure of some French indigo imported from Hispaniola. The Commodore intervened to prevent the search of the vessels in question, since they had already received their clearances (340, 340 i-vi, 472 i-iv, 496 i, ii, 527 iv ff.) In response to enquiries by the Board of Trade as to the state of the law upon the subject (558), it did not appear that there was any English law to prevent the importation of French indigo into England. Nor, on the other hand, did the clearing of a ship preclude it from subsequent seizure, should it afterwards appear liable to forfeiture for breach of the Acts of Trade and Navigation (608). Lawes, however, justified his action by a clause in the

Revenue Act of Jamaica, which referred only to searchers on land for goods landed without paying the duties imposed by that act. There was no proof that the indigo in question was French or had been landed without paying duty (608). There was, indeed, a Jamaica act *to prevent fraudulent trade to Hispaniola etc.*, by which masters of ships bound from Jamaica were prohibited from carrying any indigo which was not grown in that island. This act, however, was repealed after Lawes had failed to induce the Assembly to amend it, the Board of Trade finding that it encroached on the Prerogative (338, 459), and was a restraint of trade and navigation not warranted by English law. (338, 459, 607, 627). The importation of indigo, whatever its country of origin, was in fact recognised as legal and desirable, and the French indigo which Lawes had ordered to be seized was ordered to be restored (608, 628).

Trial and
execution
of notorious
pirates.

More dramatic and more far-reaching in its effect was the execution in Jamaica of some of the most notorious pirates of the day. First a trading sloop belonging to the island, and commanded "by a brisk fellow, one Jonathan Barnet" fell in with and took John Rackham and his crew (288). They were tried and executed at St. Jago de la Vega on Nov. 16, 1720 (340, 463 iii, 523, 523 i).

Rackham,
Vane,
Anne
Bonney,
and
Mary Reid.

Shortly afterwards the "famous fellow" Charles Vane and others were captured and followed Rackham to the gallows, where they "died most profligate impudent fellows" (459, 463 iii). With them were two spinsters of Providence Island, who, clad in men's clothes, had taken active parts as pirates. The proceedings at their trials were published (523 i, 634 iii). Following upon the fate of Teach and others in Carolina, the Bahamas, Bermuda and the Leeward Islands, the execution of these pirates had a strikingly deterrent effect upon the profession, which the cessation of arms and calling in of privateers had threatened to overcrowd (213, 523). But whilst these penalties were being inflicted on pirates, Capt. Vernon wrote curious accounts to the Admiralty of the protection afforded to them by the inhabitants of Jamaica, including the Attorney-General, an Irish Papist and one of the Beckford-Totterdale group (527 iii, iv).

Duke of
Portland
appointed
Governor.

It was evident that Lawes was not capable of coping with the political situation. Settlement of the Revenue had become urgent. Sir Charles Cox petitioned for the Government as a reward for his good behaviour in Parliament and a means of restoring his broken fortunes. He was willing that the Governor's salary should be assigned to some other person, he himself being content with the perquisites (4). But it was decided that the situation required the appointment of a person of distinction and address. The Duke of Portland was chosen, a man of great personal charm, who added to the prestige of rank a record of capable service in Parliament (656, 664, 655, 677). His Instructions followed the lines of those recently drawn up for the Governor of Barbados (688, 744 i.).

Drought in
the Leeward
Islands.

A severe drought was afflicting the Leeward Islands, ruining the sugar crop and causing so acute a dearth of provisions that the Governor appealed for a gift from the Crown (28, 204 i, 500). One effect of the drought was to cause settlers to quit the islands, especially in the case of Anguilla. But Governor Hamilton resented the invitation extended by Jamaica to such as wished to emigrate to that island. The result, he represented, would be to weaken the man-power of the Leeward Islands, and also to encourage debtors to abscond. The Governor of Jamaica was thereupon ordered to withhold his assent to any encouragement of the sort that might be offered (213, 213 vii, 500, 640).

Pirates.

Dispute over
Admiralty
perquisites.

Guardships
inadequate,

The activity of pirates off Barbados and Antigua prompted Hamilton to send the guardship to meet the trade fleet expected from Home (28). The capture of the pirate ship, *Royal Rover*, led to a dispute between the Governor, (who by virtue of his Vice-Admiralty Commission claimed the right to hold pirates' effects for the use of the Crown and the Lord High Admiral) and the local deputy of the Receiver General of the rights and perquisites of Admiralty (28). The guardships appointed to this station were, Hamilton reported, not capable of protecting the island against pirates, and even if they were, their prolonged absences at Boston or Barbados left it at the mercy of "these vermin." For there was no harbour where

a ship could be careened and refitted (251). Roberts, indeed, in the *Royal Fortune*, actually entered Basseterre Road in broad daylight, cut out and set fire to some ships, laughed at the Fort and sent an insulting letter to the Lt. Governor of St. Christopher (251, 251 i-v). Hamilton, in forwarding some acts, again complained of the delay caused by lack of means of communication between the several islands. The Islands refused to pay the cost of a packet, and the Captain of the guardship held himself at his own disposal, and refused to take the Governor's orders when there was a chance of intercepting pirates by co-operating with the French at Martinique (500, 500 i, 501, 501 i-xxix). Once more it was urged that the Commanders of station ships should be placed under the orders of Governors. When, in May 1721, Hamilton was superseded by Col. John Hart, formerly Lt.-Governor of Maryland, the Board of Trade in submitting his Instructions, supported this proposal (480, 654). Hamilton had complained that officers in the Islands were ignorant and dilatory in making the returns required to enable him to answer his Instructions (107). But in July, 1720, he forwarded some full accounts of the condition and products of the several Islands (204, 204 i).

Col. John
Hart
appointed
Governor.

Replies to
Querries.

Antigua,
Acts
repealed.

Map
revised.
Report.

Montserrat
Acts.

Among the Acts of Antigua mentioned in this volume, those for *declaring the qualification of voters*, and for *establishing a Court of King's Bench etc.*, were repealed for reasons given by the Board of Trade (594, 610, 626).

Objections were raised to and defence made of an Act imposing a duty on sugar and other produce imported from the French Islands (557, 557 i, iii, iv, 617, 623, 623 i, 641 i). An act was passed for encouraging the enterprise of Thomas Santhill in making hanging coppers, horizontal windmills, a new form of lime-kilns and an engine for forcing water into boiling houses for the manufacture of sugar (28 i). A map of the island was sent and returned for revision (204 i, 227 viii, ix). A report upon this and the other islands was made by Governor Hamilton (204 i). He forwarded three acts of Montserrat. One was for reducing interest from 10 to 6 per cent., and another exempting Members of Council and Assembly from arrest on public days, "the gentlemen," he explained, "being most of them under

some encumbrances and apprehensions of being taken up” (28 i). Talmash, the Lieutenant Governor, continued to enjoy leave of absence (41, 700). The Act which had granted him the excise duties for salary was repealed in the island. As all other taxes were paid in produce, and the cash paid for excise duties was being handed to the Lt. Governor, it was found that the Treasury was left short of ready money (633). The impoverishment of the island caused by the French raid in 1712 had caused many of the inhabitants to emigrate. Others were preparing to do so. To encourage them to remain or return, Col. Hart, the new Governor, was given a comforting message assuring the inhabitants that pressure was about to be used to secure the compensation for their losses promised in the Treaty of Utrecht (684). Similar assurances of succour and protection were given to the inhabitants of Nevis, over whose heads still hung the demands based on Iberville’s raid in 1706 (685). A further exposition of their case had been forwarded by Hamilton in reply to the memorial of M. d’ Iberville. It was quite beyond the resources of the island to satisfy his claim, if it was decided to be valid (28, 204). The representation of the Council and Assembly, relating to the Capitulation and the treatment of the hostages, was supported by a batch of depositions (28, 204 xix–xxxvii, 295 i). The attack by pirates on their neighbouring island, roused the inhabitants to pass a Militia act, which had long been hanging fire (512). As in Antigua, an act was passed to encourage “a new projection of making a mill” *etc.* (500 i).

Apart from the attack by pirates referred to above, little of importance happened in St. Christopher. A map of the island was ordered to be made, which would include a survey of the former French part (204 i). There was a good deal of correspondence relating to the confirmation of grants of land in that part (307, 307 i *etc.*), and the South Sea Company petitioned for a grant of the whole (350 i., *v. § 1*). The new Governor, Hart, before setting out, made some suggestions for the disposal of these lands (548), and the Board of Trade, reverting to their former representation,

Lt. Governor
absentee.

Compens-
ation
for the
Raid.

Nevis,
Iberville's
claims.

Militia
Act.

St.
Christopher.

Former
French
part.

suggested that some of the lands they had proposed to be set aside for poor people, should be assigned to those who were anxious to quit the Virgin Islands (597).

Newfound-
land Fishery.

Replies to revised Heads of Enquiry, and returns of the Fishery were sent in by the Commodore of the Convoy to Newfoundland (38 i, 260 i, ii, 400 i). Multitudes of French ships were reported to be fishing on the Banks (243, 260 i), and illegal trade was rife (699 v). But until a regular Government and Admiralty Court were established, it seemed useless to create Customs House Officers there (699). Abuses in connection with the Fishery and infringements of the regulations continued as of yore, together with the ruinous effect of rum. They are fully reported by Commodore Percy, who also regarded the continuous importation of Irish Roman Catholic servants as constituting a danger to the island. The Salmon Fishery claimed by George Skeffington, which the Board of Trade wished to encourage, made some progress this year, and was not molested (40, 260 i). William Keen, however, represented that the salmon fishery was his enterprise, and Skeffington merely his factor (335, 335 i-vii).

Petition for
resident
authority.

In the absence of any resident authority during the winter, the inhabitants who remained after the departure of the Convoy were lawless and unrestrained (260 i, 331). When a murder was committed in Petit Harbour, this Keen arrested the murderer and sent him home for trial, together with two witnesses. But he represented that this was done at his own expense and without any power or authority on his part for so doing. He therefore, together with the inhabitants of Petit (Petty) Harbour, petitioned for the appointment of a resident authority at St. John's to deal with cases of crime during the winter (331, 331 i). The Board of Trade, however, adduced this and similar outrages as a further argument in support of their contention that the inhabitants should move from Newfoundland to Nova Scotia. "For," they added, "such inhabitants as do remain in Newfoundland after the return of the Fishery Fleet, besides their disorderly way of living there, do for the most part promote the trade and fishery of New England, to the detriment of their Mother Country" (441).

Board of
Trade's
reply.

Fort at
Placentia.

Correspondence passed as to the site and materials for the new Fort at Placentia (11, 17, 18, 23, 442 i).

The Lt. Governor of Placentia was reprimanded for delaying the publication of the Proclamation inviting the inhabitants to remove to Nova Scotia (279, 281 i).

Pirates
raid the
Fishery.

Lt. Governor Gledhill remarked that if the Government intended to destroy or remove the Fishery from Newfoundland, the pirates were helping to do that very effectually. In the summer of 1720 they raided the Fishery Fleet at Trepassy and St. Mary's, capturing or destroying 150 boats and 26 sloops. They remained there for a fortnight whilst they compelled the crew of the captured ships to fit out one of the ships for their use—the *Royal Fortune*. These pirates were the remnant of the crew of the *Royal Rover*, under Bartholomew Roberts. Roberts was a savage and brutally cruel barbarian. But if Spotswood's account is correct, and he sailed into Trepassy in a sloop of 10 guns and with only 60 men, and there dominated in this way the confused and leaderless Fishery Fleet with 1200 men and 40 pieces of cannon, one cannot withhold admiration for his bravery and daring (200, 251 iii, iv, 277 ii, 281 i, 325).

Miscellanea.

A letter from Lt. John Riggs—a relative of Charles Delafaye—to General Nicholson contains a vivid reminder of the hardships of a march from Pemaquid to Norridgewack against the French and “Indians, about 30 years agoe.” (263).

Dodan.

The Dodan at Nevis is again mentioned several times in connection with Iberville's raid (204 xxiv). Ever since 1699 it has occurred in this Calendar as the name, in the West Indies, for a strong place of retreat among the mountains, to which inhabitants could retire in case of invasion. Hitherto I had failed to discover the derivation of the word. I am now confident that it must have been *dos d'âne*, the mountain ridge, or as we might say, the “hog's back.”

Mr. Popple's
garden at
Hampstead.

In former volumes we have had several indications that Governors paid compliments to William Popple, the Secretary of the Board of Trade, by sending him small presents of Colonial

produce, or, more particularly, from Virginia and elsewhere at his request, plants and seeds for his garden. In this volume we find General Nicholson arranging to send him from South Carolina "some flowers and plants according to your desire . . . for your parradice at Hampstead." Popple was evidently an enthusiastic gardener as well as a highly capable Secretary. It would be interesting if one could trace any of these early eighteenth-century plants and flowers from America, like Sir Walter Raleigh's Catalpa tree in Gray's Inn. But I have been unable to discover the site of the home of the Popple dynasty and William's "parradice" at Hampstead.

Feudal
service on
Colonial
frontier
proposed.

An instance of the application of an old feudal service to Colonial frontier developments is to be found in the recommendation by the Council of Trade that grants of land bordering on the Altamaha river should be held of the Crown by the tenure of Castle Guard.

CECIL HEADLAM.

The documents calendared in the following pages are included in the volumes of the Colonial Office Records preserved at the Public Record Office and listed as follows :—

5, 4 ; 5, 12 ; 5, 189 ; 5, 191 ; 5, 306 ; 5, 358 ; 5, 382 ;
5, 383 ; 5, 387 ; 5, 400 ; 5, 406 ; 5, 509 ; 5, 538 ; 5, 717 ;
5, 720 ; 5, 721 ; 5, 727 ; 5, 752 ; 5, 867 ; 5, 868 ; 5, 915 ;
5, 931 ; 5, 971 ; 5, 972 ; 5, 980 ; 5, 996 ; 5, 1052 ; 5, 1053 ; 5, 1079 ;
5, 1085 ; 5, 1092 ; 5, 1124 ; 5, 1265 ; 5, 1266 ; 5, 1293 ;
5, 1318 ; 5, 1319 ; 5, 1365 ; 7, 1 ; 10, 4 ; 23, 1 ; 23, 12 ; 23, 13 ;
24, 1 ; 28, 14 ; 28, 15 ; 28, 17 ; 28, 39 ; 28, 44 ; 29, 14 ; 37, 10 ;
37, 24 ; 38, 7 ; 116, 22 ; 116, 23 ; 137, 13 ; 137, 14 ; 137, 42 ;
137, 51 ; 138, 16 ; 152, 13 ; 152, 14 ; 152, 42 ; 153, 13 ;
153, 14 ; 194, 6 ; 194, 7 ; 194, 23 ; 194, 24 ; 195, 7 ; 217, 3 ;
217, 4 ; 217, 5 ; 217, 30 ; 218, 1 ; 218, 2 ; 314, 1 ; 323, 1 ;
323, 4 ; 323, 8 ; 324, 10 ; 324, 33 ; 324, 34 ; 382, 28 ; 388, 22 ;
388, 23 ; 388, 77 ; 388, 78 ; 389, 37.

NOTE. *etc.* printed in italics in the course of the text indicates that matter merely repeated or of no importance is there omitted. Words printed in italics between square brackets [*thus*] are suggestions by the Editor where the MS. is rubbed or torn.

The reference “A.P.C.” is to the printed Acts of the Privy Council, Colonial Series.

CORRIGENDA.

- P. 41 line 7 *for* Stanyon *read* Stanyan.
P. 47 last line *for* 1726 *read* 1720.
P. 48 line 24 *for* great in *read* in great.
P. 152 line 9 *for* Ar *read* Wr.
P. 158 line 19 *for* Ar *read* Wr.
P. 187 line 12 *for* private *read* pirate.
P. 331 line 7 *for* Scrutton *read* Sutton.
P. 339 line 3 from bottom *for* 527 iv, *read* 527 iv (a).
P. 495 line 12 from bottom *for* likely *read* lately.
P. 500 line 10 *for* Burnet *read* Shute.
P. 578 line 23 *for* 670 *read* 679.

COLONIAL PAPERS.

1720.

1720.

- [Mar. 1.] **1.** Capt. Evans, R.N., to the Council of Trade and Plantations. Estimates his expenditure upon the lands granted him in New York at £3,350, which with interest since 1695 amounts to £8,375. The improvements made by him were such that he was offered £40,000 on the Exchange of London etc. *Endorsed*, Reed. Read 1st March, 17 $\frac{1}{2}$. 1 p. [C.O. 5, 1052. f. 5].

- March 1². **2.** Mr. Pulteney to the Council of Trade and Plantations. *Acknowledges* letter of Feb. 22. The French Commissioners have not yet given me any deduction of their title to Sta. Lucia ; whenever they do your Lordships may be assured of receiving a copy etc. My Lord Stairs frequently sollicites that the Conference should be renewed, and is always promised that they shall etc. *Signed*, D. Pulteney. *Endorsed*, Reed. 7th, Read 9th March, 17 $\frac{1}{2}$. 1 p. [C.O. 28, 15. No. 78]

- March 2. **3.** Mr. West to the Council of Trade and Plantations. The petition of George Skeffington (Oct. 23rd) is not inconsistent with the Act for encouraging the trade to Newfoundland, etc. *Signed*, Richd. West. *Endorsed*, Reed. 2nd, Read 10th March, 17 $\frac{1}{2}$. 1 p. *Enclosed*,
3.i. Duplicate of George Skeffington's petition, 23rd Feb. [C.O. 194, 6. Nos. 77, 77. i.].

- March 2. **4.** Sir Charles Cox to [?]. My good Lord, My Southwark. wife begs leave to present her duty to yr. Lordp. humbly claiming yr. patronage in our last extremity and beseeches yr. Lordp. to obtain of ye King ye Governmt. of Jamaica, which I once thought myself secure of. I have resided in the Island and have the concurrent wishes of ye planters and merchants. Now is ye time my Lord, the Island being under your Lordship's directions. If it be consider'd how well I have behav'd during 20 years in Parliamt., how I have injured my fortune by that service, and how I suffer'd by a calamitous fire, I humbly presume I have ground to hope for compassion. I am content that any part or all ye salary be reserv'd to some other person, who has well deserved of H.M. Without this grant or something equivalent at home, I am not able to shew my head, which I would sacrifice in yr. Lordps. quarrell. *Signed*, Charles Cox. 1 p. *Enclosed*,

1720.

4. i. Memorial by Merchants trading to and Planters of Jamaica. Recommend Sir Charles Cox to be Governor of Jamaica, "the divisions between the inhabitants and the Governor being grown to such a height as may occasion an application for a change of Government" etc. 41 Signatures. Torn. 1 p. [C.O. 137, 51. Nos. 75, 75. i.]

March 3. **5.** Council of Trade and Plantations to Governor Hamilton.
Whitehall.

Altho' we have several of yor. letters before us, we cannot at present make such an answer as they may require, and therefore we only take this opportunity to write to you upon the Act to indemnify A. Browne etc. There have been several objections made on the part of the parishioners of St. Philips against the passing of the sd. Act; and we have heard them; as also Mr. Nivine who appear'd for the Act by their Council. But as there remain several difficulties with us, we must desire your particular answers to the following questions before we can lay this Act before H.M. etc., and therefore we expect to hear from you upon this subject by the very first opportunity. (i) On which side of Willoughby Bay does the old Church stand. (ii) In what part of Belfast district does the chappel of ease stand. (iii) In what place does the new Church stand, that is, on which side of Ayres Creek. (iv) Whether does the old Church or chappel at ease stand nearer to the new Church. (v) On which side of Ayres Creek do the majority of the inhabitants of the parish of St. Phillips live. (vi) In case the Act be confirm'd will it not be necessary for the inhabitants that there be a chappel of ease on that side of the Creek where the Church do's not stand. (vii) Whether the Gentlemen of that parish have made any voluntary subscriptions towards the building the new Church. What the sum is, and what remains to be levied on the parishioners. (viii) What number of the parishioners for the new Church, and what against it. (ix) And that we may understand this matter still more perfectly we desire you would send us a correct mapp of the parish in question. P.S. We enclose to you the best mapp we have here of Antego in which if you have none better with you, we desire you wou'd cause the respective parishes in that Island to be mark'd as exactly as you can and particularly that of St. Phillips. [C.O. 153, 13. pp. 453-455].

March 3. **6.** William Sharpe to the Council of Trade and Plantations.
Clerges Street

Encloses following. Signed, Wm. Sharpe. Endorsed, Reed.

Read 4th March, 17 $\frac{1}{2}$. 1 p. Enclosed,

6. i. Answers to Queries relating to Sta. Lucia. (v. 15th Jan.) (i) I have always heard that about 1665 Lord Willoughby of Parham settled that Island with some of the inhabitants of Barbadoes, who, proving sickly,

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became a prey to the native Indians, who surpriz'd, and destroyed them all. (ii) I cou'd never find that any French settled there in those years, or at any other time. (iii) I never heard that the French Commissioners *referred to* made any demand about Sta. Lucia. (iv) I liv'd at Barbadoes, and was a Member of the Council during the whole time mentioned in the Treaties of Ryswick and Utrecht. To the best of my knowledge, there was not one single settlement made thereon *etc.* We have, in all times, had people there cutting timber, and dying wood, who built some small huts to defend themselves against the weather, till they cou'd load their vessels, which huts they afterwards left, but never attempted to clear the land, or break the ground, or do anything that look't like a settlement; 'Tis probable that the French might privily, and by stealth, do the same. *Refers* to Col. Stede's Expedition and Lord Grey's assertion of the British title (*v. C.S.P. 1699. No. 939 i.*), and his own similar assertion, to which the Governor of Martinique "never thought fitt to make any reply. He pretended no more than that the island was a neutral place. If the French be allowed to possess St. Lucia and Tobago (to which latter the French Governor in his letter to me also pretends) they will be able to destroy Barbadoes, when they please; And on the other hand, if we keep St. Lucia and settle it, it being but seven leagues, and that to windward of Martineco, we shall be able, by keeping a few men of war there, to intercept all the French ships from getting to Martineco, and thereby destroy the place, when we please. For they can't subsist, or carry on their plantations, but by continual supplies, both of manufactures, and provisions, from France. Santa Lucia would be of further service to the Crown, as it is a proper soil for cocoa and indigo, the King having no Plantation for the former in his Dominions, and there being little made of the latter. If therefore it was restrained to these two commodities, it would bring in considerable revenues to the Crown, and do no prejudice to any of the Sugar Islands already settled. But this will require the utmost care and consideration. I conceive, there will be no difficulty in planting and settling this Island as the King pleases, because I brought the Chief of all the Caribbee Indians to acknowledge an absolute subjection to the Crown of Great Britain, in consequence whereof, they afterwards fought under the King's colours, as I am inform'd the French too well know,

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and have ever since continued in their allegiance. The acknowledgment mentioned, under the Broad Seal of the Island of Barbadoes, I sent home to the Board etc. *Mem.* Sta. Lucia has the best harbour of any of the Carribbee Islds." (*v.* Journal of C. of T., 4th March). *Signed*, Wm. Sharpe. *Endorsed*, Reed., Read 4th March, 17¹/₂⁰. 2 pp. [C.O. 28, 15. Nos. 76, 76 i.]

March 3. **7.** Rev. W. Gordon to the Council of Trade and Plantations. *Reply to queries touching Sta. Lucia (v. 15th Jan.).* I was ashore on that Island in 1703, twice in 1711, and after the cessation of arms before the Treaty of Utrecht. There was not, at any of those times, any manner of settlement, either of English or French; no part of the land manured, nor so much as one single house, hutt, or habitation, excepting those of the Indians and negroes which have run away from Barbadoes. I was also frequently ashore since the Treaty of Utrecht, and observ'd that the French, as well as the English, sent several small sloops to catch turtle and cut timber for their respective adjacent Colonies, and that the wood-cutters, and fishermen, English and French, made small huts for their own, and their negroes shelter, during their stay; But I never heard the French pretend to make any settlement upon the Island. *Proposes* that settlers should be confined to planting cocoa trees, indigo, cotton and ginger, but especially cocoa trees; for the soil is of the same nature with Martinique, and might in a few years be brought to produce cocoa enough for all H.M. Dominions, which we are now obliged to have from foreign nations, and of which there is consumed, in the little island of Barbados alone, to above the value of £6,000 a year. That prohibition would also remove the objection of the poor decaying sugar Colonys, etc. *Signed*, W. Gordon, *Endorsed*, Reed. 3rd., Read 4th March, 17¹/₂⁰. 3 pp. [C.O. 28, 15. No. 77.]

March 3. **8.** Jonathan Shrine to Saml. Wrugg or Wragg, Merchant in London. *Charles Town, So. Carolina.* We have an account from Providence of an invasion design'd pr. ye Spaniards a sloop being sent on purpose to informe us of the same and that they are coming with four sail of ships, one of 50 guns, one of 48, one 30, ye other 24, and six sloops: 1,200 men, they designe to land at St. Augustine to come by land. We are very much unprovided to receive them but I hope before they come we shall be in better order, ye originall news comes from the Havana by a boat that have made their escape from them with severall letters from Mr. Parris and Mr. Farrill etc. There is an embargo laid on all ships except Captn. Webber by whom this comes via Bristoll etc. *Signed*, Jonathan Shrine. *Endorsed*, Reed. (from Mr. Boon) 29th April, Read 7th July, 1720. *Copy.* $\frac{3}{4}$ p. [C.O. 5, 1265. No. 146].

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- March 4.** **9.** Daniel Bell to William Wragg, Merchant in London.
 Charles Town,
 So. Carolina.
Refers to above news received from the Governor of Providence.
Continues: They were to saile from the Havana 15 days agoe so that we may expect them every hour. *Refers to embargo on his ship.* We have severall very good ships in the place and between 4 and 500 sailors. They also designe to fit foure of the best ships in a posture of defence etc. The people seems not to feare them in the least, but our fortifications are much out of repair but making all the dispatch they can to fit themselves for defence etc. The report is generally believed etc., because severall men in this place have received letters from their friends out of Havano and all to one effect etc. *Signed,* Daniel Bell. *Endorsed as preceding.* *Copy.* 1 p. [C.O. 5, 1265. No. 147].
- March 4.** **10.** Othniel Beale to Saml. Waldo, Merchant at the New England Coffee House, London. *Repeats part of preceding.* His ship, 16 guns, has been impressed with three others of 18 guns, to receive the enemy soon after they enter the harbour (or as may be thought proper) with a fireship, as also two small vessels to cruise of St. Augustine to give intelligence of their approach. *Continues:* We know not whether they designe for the Bahamas or this place, or both, but we hope this favourable providence of timely notice will enable us so to prepare for them as to give them a much warmer recepcion (and smarter repulse) then they expect since we have reason to beleive they depend on the intelligence they recd. from one Capt. Loan whom they took about 3 months past (and soon after he left this place) and tho' he might very truly say that this place was then in a very naked neglected posture yet circumstances are now very different and we are advanced very considerably in repairing the works in order for defence so that at present we are under no great concerne. I shall do my utmost to preserve yr. ship as farr as the nature of this affaire wil admit etc. *Signed,* Othl. Beale. *Same endorsement.* *Copy.* 1 p. [C.O. 5, 1265. No. 148].
- March 4.** **11.** Mr. Popple to Mr. Bell Jones, Secretary to the Board of Ordnance. Enquires whether the new fort at Placentia is to be built upon that point of land opposite to the old Fort; whether it is to be done in the spring, and how far it will affect Col. Moody's lands there, etc. [C.O. 195, 7. p. 5].
- March 5.** **12.** Lt. Governor Spotswood to the Council of Trade and Plantations. *Announces* death of Col. Smith one of H.M. Council here, but a strenuous adherent of that Faction I have been complaining of etc. *Recommends* John Robinson to fill his place, being a man of distinguished loyalty, sound principles, good sense, and peaceable disposition, joined with the advantages of a plentifull fortune etc. It has been long a

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surprise to me, that notwithstanding H.M. approbation of Mr. Digges to be of the Council, the warrant for swearing him, has still been kept back, and I could not believe but that some sinister dealings (which yor. Lordps. were strangers to) had been used to obstruct it. At last the mystery is discovered by some hints which Mr. Byrd has dropd in conversation (for I have not yet seen him since his arrival) that he put in a Memorial to stop the King's letter in favour of Mr. Digges, under pretence that Mr. Porteous being called to the Council by me, and afterwards left out in the King's Instructions to make room for Mr. Berkeley, has a right to be restored on the first vaccancy: but in order to remove this objection, I must begg leave to represent, that the case is much altered in respect to Mr. Porteous since I first called him to the Council: he then lived near Williamsburgh without any river to hinder his attending the duty of his place, but he is now removed to a greater distance cross one of our largest rivers: he was then looked upon as a settled inhabitant of this country, but he has for some time past declared his resolution of leaving it, and settling in England, and about a fortnight ago actually published his intended departure (as the custom is) with the return of the first ships *etc.* So that this obstruction seems to be entirely owing to Mr. Byrd (without any warrant from the person in whose behalf he appear'd) and design'd to affront a gentleman whom he knows to be incapable of falling into the measures of his faction. Tho' Mr. Byrd has been now upwards of a month in the country he has not thought fitt to let me know, whether he has obtain'd H.M. directions for his continuance in the Council, without which he cannot but know, his long absence without licence has excluded him, according to the express words of H.M. Instructions: neither doth it seem probable to me that he hath any such order from H.M., seeing he publickly talks of returning to England in two or three months time. Had Mr. Byrd been sworne of the Council since he was nominated in H.M. Instructions, I should have had less scruple to readmitt him to his place: but as he went from hence without any other licence that I know of, but only from my Lord Oxford (wch. gave him leave to be absent from his Office of Receiver Genll. only) and as he has beene absent beyond the time in which H.M. declares (by his Instructions) that his place in the Council shall be void, I must therefore pray yor. Lordps. directions how I am to act in this case *etc.* If yor. Lordps. shal think fitt to renew yor. recommendation of Mr. Beverley in Mr. Byrd's stead, there will then be an opportunity to fill the present vaccancy with the gentleman I have now recommended: otherwise Mr. Beverley being first proposed, I pray he may be put in the place of Mr. Smith, and Mr. Robinson reserved for the next vaccancy: unless yor. Lordps. shall be pleased (according to what My Lord Orkney

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offered to yor. Lordsp. sometime ago) to make room for both those gentlemen, by the removal either of Mr. Blair or Mr. Ludwell, neither of whom deserve the post they enjoy unless a continued opposition to H.M. interest and service, and a contempt of yor. Lordps. decisions in all the points that have been controverted between that Party and me, be the merit they have to plead: and had I time to lay open some late scenes of their behaviour, since yor. Lordps. last letters to me, I'm confident yor. Lordps. would judge them fitter for the frowns than the favours of the Government, for the first of these Gentlemen Mr. Blair no sooner heard yor Lordps. letter and the Sollicitor Generals opinion concerning the King's right of collation read in Council, than he went about to oppose it; and having soon after pack'd a majority of his Vestry persuaded them to draw up a formal presentation of him to be their Minister, wherin they stile themselves the *true* and *undoubted patrons* of that Church; declaring at the same time that he should not have desired any such presentation but only to assert the right of the Vestry against the Governor who was going to deprive them of it by setting up the King's right of collation, and Mr. Blair came to me with this presentation and demanded induction. How consistent this is with the duty of a Councilor sworne to assist H.M. rights and prerogatives I leave yor. Lordps. to judge. The other (Mr. Ludwell) has given a late instance (of what I had often heard reported) that his submission to yor. Lordps. determination concerning the Governors right to nominate the judges of the Oyer and Terminer Courts, was only conditional that the Council alone should be named in those Commissions: for when I issued a Commission of Oyer and Terminer last December, and joined with the Council only Mr. Digges and Mr. Beverley (who I had reason to believe were then constituted of the Council as well as the rest) Mr. Ludwell no sooner heard the Commission read, than he objected agt. both those Gentn., and immediately he with four more of his party withdrew off the Bench, drew up a remonstrance agt. that nomination, and took occasion to present it to me in the publick Courthouse and entertaining me with a long discourse on that subject till he saw a considerable mobb of people round us, he then turning to the multitude raised his voice and said, that the Governor's power of naming other Judges than the Council in cases of life and death was of dangerous consequence to the lives and libertys of H.M. free subjects, and repeating the same words again concluded that for that reason he refused to sitt in the Court of Oyer and Terminer with the gentlemen I had appointed, etc. Signed, A. Spotswood. Endorsed, Reed. 2nd, Read 31st May, 1720. $\frac{3}{4}$ pp. [C.O. 5, 1318. No. 70].

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- March 10. **13.** Generals Erle, Wills and Pepper to the Council of Trade and Plantations. Testimonial in favour of Capt. Gookin. (*v.* 8th Jan.). *Signed*, Tho. Erle, Cha. Wills, John Pepper. *Endorsed*, Recd. 10th March, 17 $\frac{1}{2}$ $\frac{9}{10}$, Read 19th May, 1721. 1 p. [C.O. 5, 1266. *ff.* 9, 10v.]
- March 13. **14.** Col. Moody to Mr. Popple. Encloses following *etc.* *Signed*, J. Moody. *Endorsed*, Recd. 14th, Read 18th March, 17 $\frac{1}{2}$ $\frac{9}{10}$. 1 p. *Enclosed*,
14. i. Opinion of Mr. West upon Col. Moody's case *etc.*, 10th March, 1720. *v.* 8th Jan. *Signed*, Richd. West. $\frac{3}{4}$ p. [C.O. 194, 6. Nos. 78, 78 i.]
- March 14. **15.** Mr. Bampfeild to Mr. Popple. *Prays that Act of Chancery Lane.* Barbados for docking the intail of a certain plantation *etc.* may be laid before H.M. for confirmation *etc.* *Signed*, Geo. Bampfeild. *Endorsed*, Recd. 14th, Read 17th March, 17 $\frac{1}{2}$ $\frac{9}{10}$. 1 p. [C.O. 28, 15. No. 79.]
- March $\frac{16}{27}$. **16.** Mr. Pulteney to Mr. Popple. Acknowledges letter of Paris. 10th *etc.* *Signed*, D. Pulteney. *Endorsed*, Recd. 21st March, Read 13th April, 1720. 1 p. [C.O. 28, 15. No. 87.]
- March 16. **17.** Board of Ordnance to the Council of Trade and Plantations. *Reply to 4th March.* The point of land where we are to build [*the new fort at Placentia*] is opposite to the old, and if we can get shiping to transport the remainder of the materials to Placentia we shall begin this summer. As to Col. Moodies lands we are not able to say *etc.* *Signed*, T. White, T. Wheate, M. Richards. *Endorsed*, Recd., Read 18th March, 17 $\frac{1}{2}$ $\frac{9}{10}$. 1 p. [C.O. 194, 6. No. 79.]
- March 17. **18.** Mr. Popple to Mr. Jones. Requests answer to 4th Whitehall. March, as several ships will soon be going for Newfoundland *etc.* [C.O. 195, 7. p. 6.]
- March 17. **19.** Same to Mr. West. Encloses, for his opinion in point Whitehall. of law, Act of Barbados for docking the intail of a certain plantation, *etc.* [C.O. 29, 14. p. 68.]
- March 21. **20.** Mr. Secretary Craggs to Governor Lowther. Application having been made to the King by your relations here that you may have a license of absence from your Government, and answer in person to such things as have been charged upon you before the Privy Council, H.M. has been pleased to grant their request, and commanded me to transmit the license enclosed. I have lost no time in moving H.M. to show this favour to you, and as I do not doubt but you will be able to clear yourself of the matters which have been alledged against

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you, I may soon hope to assure you on this side that I am, Sir, your most humble Servt. *Signed*, J. Craggs. *Annexed*,

20. i. H.M. licence of leave to Governor Lowther to be absent from his command for six months, "upon account of some affairs which require his attendance here." St. James's, 21st March, 17^{1/2}. *Countersigned*, J. Craggs. [C.O. 324, 33. pp. 267, 268.]

March 22. 21. Order of King in Council. Referring following to the St. James's. Council of Trade and Plantations for their report. *Signed*, Temple Stanyan. *Endorsed*, Recd. 24th, Read 25th March, 17^{1/2}. 1 p. *Enclosed*,

21. i. Petition of Sir Charles Cox to the King. Petitioner's brother, Samuel Cox is the eldest Councillor of Barbados, whereby the administration of the Government pro interim in case of a vacancy will devolve upon him. Governor Lowther having conceived a groundless displeasure against him and frequently vowed his ruin, has left no stone unturned to execute his threats not only on himself but likewise upon two gent. of considerable fortunes in that Island who married his daughters, and having a view to preferr his nephew John Frere the next in seniority in the Councill, has applied himself to find out plausible pretences to suspend him. Samuel Cox did, as his duty obliged him, object against the Governor's permitting a Spanish vessell to trade there and remonstrate to him that it was an evident breach of the Acts of Trade and his oath. Thereupon the Governour's malice and resentment was wrought up to such a heighth that he has charged petitioner's brother with endeavouring to raise a rebellion in her late Majesty's reign when the Governour was commanded immediately to deliver up the Government to Mr. Sharpe. The only crime he was guilty of was, that of giving his opinion as a Member of the Councill that obedience ought to be paid to H.M. said order. The Governor has declared his fixed resolution to prosecute Cox and two other gentlemen who were then Members of the Councill at the Grand Sessions 8th Dec. last, for the same, and that he himself will sitt Judge. *Prays that* the Governour be ordered not to suspend Cox, or in case he has done so, to restore him until his reasons and H.M. pleasure are known. *Signed*, Charles Cox. 1 $\frac{1}{2}$ pp. [C.O. 28, 15. Nos. 80, 80 i.]

March 24. 22. Mr. Secretary Craggs to the Council of Trade and St. James's. Plantations. Referring following for their report. *Signed*,

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J. Craggs. *Endorsed*, Recd. 28th March, Read 3rd May, 1720.
Subscribed under,

22. i. Petition of Richard Pearse of Marblehead, N.E., mariner, James Pitts, merchant, George Whitehorne and Phillip Dumaresq, marines, Daniel Johannot and Andrew Sigournay distillers, all of Boston, to the King. A tract of 16,000 acres, called Greenland alias Misconcus by the English, but by the Indians Remobscooe, was sold by John Summersett, an Indian Sagamore, to the father of Richard Pearse in 1641. 6,000 acres have been sold to the rest of the petitioners by Pearse, and they propose the next summer to settle the said lands with 50 families etc. This tract is not annexed to any particular Province, and petitioners therefore pray for H.M. confirmation of the Indians' grant etc. *The whole, 2 pp. [C.O. 5, 867. Nos. 61, 61. i.]*

March 25. 23. Queries [*by Council of Trade and Plantations*] to Col. Moody, relating to some lands he claims at Placentia. (i) Whether the point of land on which it is proposed to build a fort was not reserved by the French King for some public use? (ii) Whether it was ever granted to any of the French King's Governors? (iii) Whether the title of the person of whom Col. Moody bought the said Point can be made appear? (iv) What proportion of the purchase money was paid for it? (v) Its present value? etc. [C.O. 195, 7. p. 7.]

March 25. 24. Office accounts of the Board of Trade, Dec. 25, 1719—
 March 25, 1720. v. Journal of Council. [C.O. 388, 77. Nos. 77, 79, 81.]

March 25. 25. Mr. Secretary Craggs to Governor Lowther. H.M. having granted you a licence of absence etc. (21st March) you are exactly to follow your Instructions in leaving the administration of the Government with the eldest Councillor who shall be at the time of your absence residing in the Island. Encloses duplicates of 21st March. Signed, J. Craggs. [C.O. 324, 33. pp. 267, 268.]

March 26. 26. Mr. West to the Council of Trade and Plantations. Has no objection to Act of Barbados *for docking entail of a plantation in St. Lucy's parish etc.* Signed, Richd. West. *Endorsed*, Recd. 28th March, 1720, Read 25th March, 1721. 1 p. [C.O. 28, 17. ff. 49, 50. v.]

March 28. 27. Mr. Cumings to the Council of Trade and Plantations. Proposes certain alterations in the regulation and taxation of the Plantation trade. Signed, Archd. Cumings. *Endorsed*,

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Recd. 28th March, Read 1st April, 1720. $1\frac{1}{2}$ pp. [C.O. 323,
8. No. 1.]

- March 28. **28.** Governor Hamilton to the Council of Trade and Plantations. Refers to his orders to Capt. Rose, v. 16th Feb. Proving calm he left [*the pirate ship*] at an anchor at St. Christopher's and came up himself [*to me at Nevis*]. She was called amongst the pirates by the name of the *Royal Rover*, and has committed a great many depredations upon the coast of Guinea. She was the same that took the Portuguese ship, and I find the crew were the same which were formerly in a ship they called the *King James* which they sunk and betook themselves to this. She is a ship of force capable of mounting 30 guns and had once near 200 men (and as far as I can learn) was in the service of His Imperial Majesty when she was taken but she is now much out of order for which reason I suppose they quitted her. As I have met with a vast deal of trouble and opposition from some persons who would have disputed with me the power I had of seizing her I think it my duty to lay before your Lordships a distinct account of the manner in which the ship was taken, and the measures that were took to prevent my securing of her either for H.M. or for the Right Honourable the Lord High Admiral etc. The crew that belonged to her came to a separation some betook themselves to a snow and some to the sloop mentioned in Mr. Popple's letter the rest (to what number I cannot discover) either being weary of that sort of life or thinking they had got booty enough resolved to steal ashore in such places as they thought they were most likely to escape undiscovered in, or where they might pass unquestioned according the six mentioned (16th Feb.) were landed upon Anguilla pretending to be shipwreckt but being detected and brought up here have since been tried, found guilty and received sentence of death, the residue carried the ship down to St. Thomas's (an Island the Danes are settled upon) brought her to an anchor there out of the reach of their cannon and went themselves on shoar and passed publickly (as I am informed) as Pirates, and were so far from being questioned for it that the Governor himself was in treaty with them for the ship, as the persons who brought her away have represented to me. Major Holmes etc. seized her as a pirate, what men were then in her quitting her and making their escape on shoar, etc. as 16th Feb. Continues: [When Capt. Rose came up hither], I ordered him down thither [to St. Christophers] with the *Seaford* to bring her up to Nevis, Mr. Ottley and the other gentlemen pretended then to claim a right to her as captors (though they had no commission) and disputed the delivery of her, and returning to me without her I sent him down a second time with positive orders to bring her up, but when he came he found her sails unbent and carried

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ashoar and her topmast struck, and by this time Mr. Ottley had obtained a deputation from one Mr. Hill of Antigua (who claims a power from Mr. Dod Receiver General of the rights and perquisites of Admiralty, and from Mr. Walters, Sollicitor of the Admiralty) to receive all rights and perquisites of Admiralty in the Leeward Islands, and by vertue of that power Mr. Ottley pretended then to seize her for the Lord High Admiral so that Captain Rose returned the second time without her. As I am not only impowered but it is required of me as a duty by H.M. Commission under the Great Seal of the Admiralty constituting me Vice Admiral of these seas to seize and take into my possession amongst other things the goods of pirates and the same to keep to the use of H.M. and the Lord High Admiral for the time being, I thought it proper and highly necessary (especially as I had an account of some embezzlements already made and that Mr. Ottley had taken several casks of powder out of her) to send Capt. Rose down a third time with stricter orders than before to bring up this ship to Nevis, and if the sails were not delivered to him, to apply to a Civil Magistrate for a warrant to search for them and take them out of their possession, which he was forced to do Mr. Ottley refusing to deliver them, and upon this he has brought her up hither where she has been proceeded with in the Admiralty Court and an interlocutory decree pronounced adjudging the ship and lading to be forfeited as the good of pirates unless any owners shall come in a twelvemonth and a day and make their proper appearance, and an inventory has been directed by the Judge to be taken and an appraisement made of the goods in her, to be lodged with the Register. As the custody of this ship and goods remain at present with me, if no owners appear within the time I shall be ready to deliver up the same, submitting to the Right Honourable the Commissioners for executing the post of Lord High Admiral of Great Brittain their determination whether any or what share thereof does belong to me as Vice Admiral. The goods of pirates I take to belong originally to the Crown, and if the Lord High Admiral or Commissioners for executing that Office have any claim to them, I suppose it is by grant from H.M. and as I am in the dark about this matter I humbly pray your Lordships will be pleased to inform me therein as also about this deputation of Mr. Dod and Mr. Walters, whether it was intended to give them any power of receiving any rights of perquisites of Admiralty in these Islands, or it be restrained to Great Brittain only for I humbly apprehend that it did not, that being annexed to the Vice Admiral and by H.M. Commission expressly enjoined me, and I am the rather confirmed in this opinion because I have received no directions from the Right Honourable the Commissioners for executing the Office of High Admiral to take notice of any such Officer

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here, which if their Lordships had intended to supercede my Commission therein I may believe I should ; your Lordships will be pleased therefore to signifie to me whether these Officers are to seize any rights or perquisites of Admiralty arising here or that I am to do so, and when I have done so whether I shall deliver or account for the same to the Crown, to them, or to the Lord High Admiral *etc.* Howsoever it be, I hope I shall meet with your Lordships' approbation in what I have at present done, I not knowing how to regard a Commission from a private Officer when I had one from H.M. *etc.* This last week one Charles Powell born at, and formerly an inhabitant of St. Christophers for [? was] arraigned for High Treason, for having been in the service of the King of Spain on board the privateer sloop mentioned 16th Feb., and committed a great many acts of cruelty upon and against H.M. subjects, all which were plainly proved against him upon his trial, whereupon the jury found him guilty and sentence of death was pronounced against him as is usual in such cases and will be executed accordingly the Judges having represented to me that he is a hardned sinner. I have an account given me that the pirates that separated and are now in the snow and sloop before mentioned are cruising between Barbados the French and these Islands, that they took a ship lately off of Barbados and afterwards chased a vessell into Antigua. I have sent Captain Rose in the *Seaford* to cruize to the windward of that Island to strive to fall in with our trading ships, that are daily expected from Brittain for the several Islands of this Government, and if possible to see them safe in. *Encloses* several Acts with observations thereon. *Continues* :—They should have gone sooner but this being the first ship that has gone from this Island since my arrival here, the letter for Mr. Popple (16th Feb.) being sent by way of St. Christopher's ; Indeed I thought this ship would have sailed much sooner, but God Almighty has been pleased to afflict us with such excessive dry weather insomuch that most Planters can hardly make any sugar, I pray the Almighty to withdraw his heavy hand from us. I have not as yet been able to bring the Committee of Council and Assembly to finish their answer to Monsieur D'Iberville's Memorial nor to state the account of what charge they have been at in maintaining the hostages that were taken off and carried to Martinique, by reason (as they alledge) of the death of their late Treasurer who left his affairs in great confusion, whenever they have finished them I shall transmit them to your Lordships, but people in general in these parts are very delatory about publick business, especially those of this Island, which formerly was lookt upon the most exactive and regular in most of their proceedings, but ever since the destruction and devastations made by the French, the people seem to be dispirited and careless. The last of the

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hostages (Mr. Charles Earle) died about six or seven months ago at Martinique, so that the Island is now at no further charge; I shall (God willing) next week embark for St. Christophers, and as soon as I have dispatched H.M. affairs there, call at Mountserratt to see what may offer there for H.M. service, and then return for Antigua, where after my arrival I shall as soon as possible collect and send your Lordships what is required from *etc.* Signed, W. Hamilton. Endorsed, Recd. 16th May, 1720, Read 27th June, 1721. $3\frac{1}{2}$ pp. Enclosed,

28. i. Acts of the Leeward Islands (1719) with Governor Hamilton's observations. (a) Act of Antigua, *for reinforcing an Act for repairing the fortifications on Monk's Hill etc.* The reason of this Act has been often laid before your Lordships *etc.* (b) Act of Antigua, *for encouraging Thomas Santhill in his new projections of hanging coppers in this Island for boyling of sugar and for making of small and cheap windmills for the more easy and speedy grinding of canes; likewise for building of horizontal windmills for grinding of canes, and likewise an engine for forcing of water into boyling houses or still houses from any depth; and for building of lime kilns to burn lime after a more easy and expeditious manner than hath been yet found out, with brush, field trash, or any sort of small wood.* The inhabitants have already found great benefit by this projection of Mr. Thomas Santhill in the boyling of their sugar much faster and with much less fewell; he still proposes to improve the same to a far greater degree *etc.* As for his mills, *etc.*, I have not heard of any that have yet tried the experience.

(c) Act of Montserrat, *for punishing such persons as shall detain any other persons' slaves or servants.* The preamble I hope sets forth sufficiently the reasonableness of it. (d) Act of Montserrat *for reducing of interest from 10 to 6 per cent.* (e) An Act of Montserrat *for exempting the severall Members of the Council and Assembly and other persons from arrests on publick days.* The Gentlemen most of them being under some incumbrances and apprehensions of being taken up as is set forth more at large in the Preamble are desirous to secure themselves for that time. Your Lordships will observe that these three Acts from Mountserratt have lain a considerable time before they were sent to me. *Same endorsement.* 1 p. [C.O. 152, 13. ff. 67-72; and (duplicates endorsed) Recd. from Mr. Tryon, June 27th, 1720] 73, 74-75v., 76v.]

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- March 29. **29.** Governor Lowther to the Council of Trade and Plantations. *Refers to letter of 21st Nov., and repeats part of it.* Continues : Mr. Blenman entered into a recognizance of £500, and two of his friends in £250 each for his appearing at, and answering this crime at the Grand Sessions : a bill of indictment was found against him ; the Court ordered the sd. recognizances to be estreated for his non-appearance, and the whole process to issue against him. Now had he not been an accomplice with Mr. Gordon in this forgery, it can hardly be imagined that he would have suffer'd himself to have been committed and indicted for such a crime, or that he would have forfeited his recognizance, quitted his business, and have fled from the Island (with the sd. Gordon and one Hope an Attorney) in the most ignominious and clandestine manner. *Refers to Minutes of Council, 16th Feb. and adds :*—One of the pieces annex'd to the Order of Council of 12th March, 1718, is in French, of a different kind of paper from all the other annexes, has no impression of the Seal upon it, and is dated eight day's after the sd. Order, all which do most clearly demonstrate that it was criminally annex'd thereto etc. I hope you'l permit me to trouble you with a further representation of Mr. Gordon's seditious and infamous behaviour during the three months he thought fit to continue here. The first thing he did, was the disposing of a large cargo of that braded stuff call'd the Miserable State of Barbado's ; after this, he traversed the whole country, broached in all places as many scandalous lies as he could invent, and did his utmost to imbroil the Island, and to spirit up a faction in every parish in order to pave the way for a general disturbance. Had I resented this licentious and factious behaviour in a magisterial way and punished him with the utmost severity of Law, I humbly presume your Lordships would not have censured me for it : but as the poison had been newly administred, and as it caused a great fermentation, I thought it more eligible to apply an antidote of another quality, and therefore issued the Declaration which I (some time since) directed my Correspondent to lay before you. (v. Oct. 30, 1719). As this undecieved the generallity of those Mr. Gordon had imposed upon, so it not only disabled him from executing a wicked design he had projected against me, but forced him (at that time) to content himself with only casting some lewd reflections upon me in an impudent paper he term'd an Answer to so much of my Declaration as related to him. I shall not trouble your Lordship's with a relation of those factes upon which two indictments were found against him since they are inserted in the Records of the Grand Sessions that are enter'd in the Minutes of Council herewith sent, but I think it necessary to informe you, that soon after his departure from hence, a most false and scandalous letter was dispersed by his Agents in his name directed to the gentlemen of Barbadoes

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and particularly to the parishioners of St. Michaels : that the General Assembly on the 21st Jan. last voted it to be a most false, wicked and seditious libel : that they voted the Answer of Will. Gordon Clerke *etc.* to be impudent, false and scandalous : that they voted the pamphlet intituled a Representation of the Miserable State of Barbado's to be false, scandalous and seditious, that they order'd the sd. pamphlet, answer and letter to be burnt by the hands of the common hangman : that they directed Samuel Adams and Rob. Bishop Esqrs. two of their Members to lay the sd. pamphlet, answer and letter before the Council with a copy of their Minutes relating thereto and the resolves thereupon and to desire the Council to give their concurrence to as many of the sd. votes or resolves as they should think fit, as likewise to appoint a time and place for the burning of the sd. pamphlet, answer and letter *etc.* The Council agreed to all the Assembly's sd. resolves and directed the common hangman to burn the pamphlet answer and letter before the Custom House door on 18th Feb., which was done accordingly, *etc.* Refers to Minutes of Council, 16th Feb., for proceedings and depositions taken before the three senior Judges touching Mr. Gordon's character in pursuance of H.M. Order, 25th June, 1719. His character is proved to be much worse than what I represented to the Lord Bishop of London by above 40 depositions of gentlemen of great fortune and repute : What I said of him was taken from depositions and other authentick papers that bore date a very considerable time before the occasion happen'd which laid me under an absolute necessity of characterising him to the Bishop ; as this plainly appears from the sd. original depositions and papers exhibited to and recognized before the sd. Judges, and annexed to the report which they have made to the Lords of the Privy Council and transmitted by this opportunity, so I humbly hope your Lordship's will be of opinion that my sd. character of Mr. Gordon is strictly just *etc. etc.* The Council and Assembly perused the sd. depositions and proceedings and a Law has past upon that and other weighty considerations to deprive him of his benefice, and for disabling him from exercising or enjoying any ecclesiastical living dignity or ministry within this Island ; which I humbly hope will meet with your Lordships approbation and the Royal assent. My Lords, I have already trespassed so much upon your time that I shall not trouble you with what might be offer'd in justification of the suspension of Messieurs Cox and Salter besides the reasons that are assigned in the Minutes of the Council of 27th Feb. Nor shall I intrude upon your patience in adding such reasons as might be offer'd to support the committment of Thomas Worward and Thomas Smart (Commanders of H.M. shipes of war the *Rye galley* and *Squarrell*) besides those that are contained in the mittimus depositions *etc.*, that are entered in the Minutes

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of Council of 16th March, 1719. I also for the same reason forbear to make any remarks upon the state of the publick accounts as adjusted by the Committee appointed by law and enter'd in the Minutes of Council herewith sent: as likewise any animadversions upon the several laws and other publick papers now transmitted *etc.* As I writ to my friends in Nov. last to obtain H.M. Royal licence under his sign manual to return to England, so I hope it will not be long before I have the happiness of paying my duty to your Lordships and of returning you my unfeigned thankes for the many civilitys and favours I've received from you *etc.* *Signed,* Rob. Lowther. *Endorsed,* Recd. 1st June, Read 5th July, 1720. *Holograph.* 8 pp. *Enclosed,*

29. i. List of public papers enclosed with preceding. 2 pp.
[C.O. 28, 15. Nos. 91, 91. i.]

March 29. 30. [? Sir Charles Cox to the Council of Trade and Plantations.] Mr. Lowther having laid a design to suspend my brother (*v.* 22nd March) prevaild with ye Custom house Officers to sign a memorial against him for no other pretence, but his having been evidence in a cause which he was compelled to do by legal summons (*v.* Minutes of Council, 13th and 14th May, 1718.) Mr. Lowther finding ye matter too trifling, to found a judgment upon, adjourned ye giving any opinion from time to time, to 17th Feb. 17¹⁸, at which time he declared that my brother was guilty of such a crime as deserved suspension, and that he would suspend him next Council day, notwithstanding which he hath never yet attempted it *etc.* *Suggests* that he keeps it under his thumb to suspend him; just when he leaves the Island, that so he may leave his nephew Fere President, and his brother lose that benefit *etc.* *Endorsed,* Recd., from Sr. Charles Cox, 29th, Read 30th March, 1720. 1 p. [C.O. 28, 15. No. 82.]

March 29. 31. Extract of letter from Samuel Cox of Barbadoes to Sr. Charles Cox, April 13th, 1719. *Repeats gist of preceding.* Continues: on 17th Feb. the Governor, by way of leading the Council, gave his opinion first that the representation of the Custom House Officers was fully proved, whereupon his favourites, Francis Bond, Wm. Carter, Guy Ball and John Frere came full up to H.E. opinion. But Timothy Salter and Lt. Gen. Thos. Maxwell said it was not proved. H.E. asked the Council what censure they should pass, and when all continued mute, to give them a lead, he said "If I was guilty of these crimes I should forfeit my Government and £1,000 sterl. and rendered incapable of any other command." Then all except his favourites desired to be excused giving any opinion. H.E. pressed them for two hours without success. H.E. being very angry said they were no Councillors unless they

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forthwith gave him their Council and that he would have their opinion, (whch. he wanted to screen himself by, yt. wt. he acted was by advice of Councill). *Endorsed as preceding. Copy.* 2 $\frac{1}{4}$ pp. [C.O. 28, 15. No. 81.]

March 29. **32.** Sir C. Cox to the Council of Trade and Plantations. Southwark. Since waiting on your Lordships this morning, I have seen two gentlemen, Mr. Blenman and Mr. Hope, who were present in Council 13th and 14th May, and have prevailed with them to attend your Lordships etc. *Signed,* Charles Cox. *Endorsed,* Recd., Read 30th March, 1720. 1 p. [C.O. 28, 15. No. 83.]

March 31. **33.** Lt. Governor Bennett to Mr. Popple. *Refers to triplicate enclosure of proceedings of Court of Admiralty etc.* *Signed,* Ben. Bennett. *Endorsed,* Recd. 10th May, Read 7th July, 1720. 1 p. *Enclosed,*

33. i. Bermuda. May 31st, 1720. A Newspaper. By the master of a sloop that arrived here 21st Jan. from Virginia I am informed, that about the middle of the same month on (e) Capt. Knott bound to that place from London in the latitude 27° was come up with and taken by a pirate ship of 36 guns and above 160 men who took what they wanted out of the merchantman and gave him money and goods of a very considerable value for the same and sent him about his business several of the pirates being on board him, whom when the ship arrived in Virginia dispersed themselves but being discovered were taken up, also the ship seized, and the Capt. in custody; the pirate came last from Brazile and had been on the coast of Guinea. Feb. 8th. By advice from Antigua I understand that the man of war there was sent to cruce to windward of that Island in quest of two Spanish privateers, one of them took a sloop at the Salt Ponds, and afterwards cut a ship out of Basseterre Rhoad of St. Christopher's, the sloop's men rose the next night, overcame the Spaniards, and brought the sloop back to St. Christopher's, the ship was retaken by a New York privateer off of the Island called Spanish Town one of the Virgin Islands, one of the Spanish privateers afterwards was cast away upon Berbuda where the men were taken and are now in prison at Antigua; amongst them two or three Englishmen. I hear of several British and French sloops that have been taken to windward amongst the French and the Islands inhabited by the Indians, but what certainty there is in it I know not; but this is confirmed [that] a pirate ship that took some time since a Portugueze ship upon the coast of Brazile

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which he carried to Cayon a French Island, and there plundered her, and there took also a Rhode Island sloop, and after detaining the master for some days, he gave him the Portugueze ship with which he is arrived at Antigua, the pirate went afterwards to the windward of Barbadoes, where he took two New York snows, the one he plundered and afterwards gave the vessell to the master and men again, the other they have fitted out of the pirate ship she being a much better sailor, and are gone to the northward with, and gave the ship to the master of the snow ; his men and some others that pretend to have been forced, of which they landed five white men and one black upon Anguilla, of which number there are now two in goal at Antigua and the rest are sent for they say the Quartermaster of the pirate and one more were on board the said ship, from whence, and their haveing divided their plunder to the windward of Barbadoes (as these men say) it is concluded they have broke up and are shifting for themselves by dropping some in one place, some in another, for they had a great booty in the Brazile ship, at least 15,000 moidores besides a vast quantity of dust gold they had got upon the coast of Guinea, where they had taken many prizes. *Same endorsement.* 1½ pp.

33. ii.-vii. Proceedings of the Court of Admiralty, Bermuda, Oct.-Nov. 1719 upon the trial of six prizes brought in there. *Same endorsement.* Copy. 83 pp. [C.O. 37, 10. Nos. 16, 16. i-vi,

[Mar. 31.] 34. Petition of John Lenoir, Judge of the Admiralty Court, and Henry Lascelles, Collector, Barbados, to Governor Lowther.

In Nov. 1716 Lascelles made a seizure of some anotto and indico imported without a warrant and presence of any officer of the Customs from a vessel belonging to Samuel Cox. Henry Westlake, then Judge of the Admiralty Court, dismissed the case, Feb. 1717, though no proof was given that the goods were landed with a warrant and presence of a Custom house officer, as the law requires. He continued to behave himself in a most scandalous manner, notoriously reeiving bribes and perverting justice, so that the officers of H.M. Customs were obliged to make a representation against him to the Governor, and against Samuel Cox, who had caused application to be made to Lascelles to forgoe H.M. part of the seizure *etc.* Whereupon H.E. and Council suspended Westlake and appointed Lenoir in his place *etc.* On 31st May last Lascelles seized the sloop *Dove*, of whch Saml. Cox was owner, and of several hogsheads of sugar on board ; shipped off from a crane of which Cox was keeper, without warrant or presence of a Custom house officer, *etc.*

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or paying the $4\frac{1}{2}$ p.c. duty. The sloop and sugar were condemned by Lenoir and Cox fined £100. Cox was given leave to appeal, but has never applied to the Register for the appeal papers etc. The fine remained to be collected, when Cox obtained an inhibition from the High Court of Admiralty in Great Britain, 27th April last, staying further proceedings. In the said inhibition, Lenoir is stiled only "the pretended judge" of the Court of Admiralty. Lenoir has acted by virtue of your Excellency's Commission etc. *Desire to know how they are to act with regard to the inhibition.*

Lascelles adds: Cox ever since his being outed of the office of one of the Commissioners of Customs in this Island, on account of his making use of a large sum of money due to the Crown, has been zealous to hinder all prosecutions in favour of the Crown. Mr. Cox was Naval Officer 1698-1714. When an order came from the Commissioners of Customs to put in prosecution the plantation bonds here that were not legally discharged, he cancelled hundreds of bonds without having certificates returned him as the law requires, and gave in 170 bonds to be sued, but they were almost all the bonds of persons insolvent or unknown, and the Crown was put to about £800 charges in prosecuting those worthless bonds, while Mr. Cox got perhaps as much. This practice of cancelling bonds without certificates was a gainfull one, and Cox continued it. Between 12th July, 1712 and 12th April, 1714 he cancelled bonds to the value of £70,000, without any certificates or proofs that the conditions of the bonds were comply'd with etc. *Signed,* John Lenoir, Hen. Lascelles. *Endorsed,* Recd. (from Mr. Lascelles) Read 31st March, 1720. 4 pp. [C.O. 28, 15. No. 84.]

March 31. **35.** Governor Sir N. Lawes to the Council of Trade and Plantations. *Refers to letter of Feb. 2nd and encloses*, by this first opportunity since that time, five money bills which considering the present posture of affairs here and the exigencies of the Government I hope will suffitiently justifie my passing those laws. I have prepared my reasons more at length according to your Lordships desire which comes herewith and hope the same will be satisfactory. As to the Act to prevent inticeing of slaves etc. I am to desire your Lordships will please to take it into your consideration and lay it before H.M. for his Royall assent, it will prove a beneficial law to this Country, and as it is in all respects agreeable to H.M. Instructions so I hope it will meet with no obstruction etc. *Encloses Minutes of Council to 29th Jan.* *Prays for* directions as to H.M. share of seizures etc. as Sept. 1st 1718. Sometime ago I reed. intelligence of the Spaniards designs from the Havannah against Providence or Carolina which I communicated to Capt. Vernon of the *Mary* who desired I wou'd assist him with some of H.M. soldiers

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and accordingly I have supplyed him and Capt. Whitworth in the *Ludlow Castle* with 50 soldiers and they are both sailed, since which time I have recd. an acct. from the Governor of Providence that on 24th Feb. the Spanish armament appeared off of that Island and had endeavoured to land at some places but were as often repulsed tho' they continued still hovering about that place, when the Govr. dispatch't the express to me which he sent away in the night ten days after the Spaniards had been there giving an acct. of the strength of the Spaniards wch. consists of one ship of 40 gunns one of 26 one of 22 a brigantine of 12 and eight sloops six of which had 8 gunns apiece and two of 4 gunns, on board of which armament there is about 1,300 men but I am in hopes they will have met with little success being informed that there are on that Island 540 able men well armed and 4 months provisions and as the Govr. has upwards of 60 gunns mounted so they will be able to make a vigourous defence, etc. *Signed*, Nicholas Lawes. *Endorsed*, Recd. 14th June, Read 2nd Nov. 1720. $3\frac{3}{4}$ pp. *Enclosed*,

35. i. Governor Sir N. Lawes' reasons for passing several laws mentioned. *Same endorsement*. 7 pp. [C.O. 137, 13. Nos. 42, 42. i.]

April 1. 36. Council of Trade and Plantations to the King. *Reply* Whitehall. to 22nd March. Sir Charles Cox's petition is founded upon apprehension and not upon certain facts etc. As the Governor of Barbados by your Majesty's Instructions is particularly directed in what manner he is to conduct himself in ye suspension of Councillors, we do presume he will not take upon him to suspend Mr. Cox in such manner as may not be justify'd by the said Instructions etc. [C.O. 29, 14. pp. 70, 71.]

April 4. 37. Mr. Burchett to Mr. Popple. H.M.S. *St. Albans*, Admiralty Office. Capt. Francis Percy, and a frigat of 20 guns being designed convoy to Newfoundland, *asks for* "Instructions and Heads of Enquiry for the Commadore as usual." *Signed*, J. Burchett. *Endorsed*, Recd. 4th, Read 5th April, 1720. *Addressed*. 1 p. [C.O. 194, 6. No. 82.]

April 6. 38. Mr. Popple to Mr. Burchett. Encloses following Whitehall. "usual heads of enquiry and instructions, with some variations and additions."

38. i. Heads of Enquiry relating to the Fishery and Trade of Newfoundland to be given by the Lords Comms. of the Admiralty as Instructions for the Commadore of the Newfoundland Convoy. 1—18. You are to carry with you a copy of the Act to encourage the trade to Newfoundland for your own use and Government, and enquire whether the several rules, enumerated,

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therein contained for the advantageous management of the Fishery are duly observed *etc.*, and return accounts accordingly. You are particularly to inform yourself (19) In what manner the inhabitants are subsisted, whether the country produces such provisions as they want, whether they have any number of cows, sheep and swine, or whether they receive any provisions from H.M. Plants. in America, of what sorts or kind, and the quantities thereof. (20) Whether they are wholly supply'd with sail cloth nets and tackle and woollen linnen leather *etc.* from this Kingdom, or whether they are furnished with any of the aforesaid necessarys from the Plantations, or from any foreign country. (21) What wages do the inhabitants allow to their servants, and in what manner do they pay them? (22) How much does the charge of fitting out and maintaining one of their fishing boats for the whole season amount to? (23) Whether the inhabitants have any other employment in the fishing season for their servants than taking and curing of fish, whether they are diligent therein; How many men they allow to each of their fishing boats, whether they can afford their fish as cheap as the fishing ships and the byboats, or what difference is made between the price of the one and the other? (24) In what manner they employ themselves and their servants after the fishing season is over and during the winter, whether they are industrious in providing and making necessarys for the next fishing season, or mispend a great part of their time in debaucherys and excesses. (25) Whether any trade is carried on for beaver and other furrs by the inhabitants, or by any others who remain in the country: what quantities they have taken this last winter, and whether they have any traffick with the Indians. (26) Whether the houses, buildings and enclosures of the inhabitants are at such a distance from the waterside as not to hinder or obstruct ye fishermen in making their flakes, or in drying and curing their fish. (27) Whether the inhabitants claim a right to all such stages cookrooms flakes *etc.*, as they have made or built in those fishing places which have not been possess'd by the fishing ships since 1685, tho' they make no use of them, or whether such fishing places and conveniences are free for the public use of the fishing ships arriving there, and nothing insisted on or demanded by the said inhabitants for their use or hire. (28) How many flakes are allow'd to each fishing boat and of what length, whether they

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are extended in length according to the ancient custom from the shoar up into the land, or whether any of the inhabitants or fishermen extend their flakes along the shoar, or possess a larger front to the waterside according to the number of their boats than was formerly allowed. (29) Whether it was ever ascertain'd and determin'd in the several, or in any of the harbours of Newfoundland, what fishing places did belong to the fishing ships before 1685, and whether any account is kept of those fishing places, which they have been in possession of, since that year, in order to prevent such disputes as must otherwise very frequently happen between the masters of the said ships and the inhabitants. (30) Whether the fishing ships that proceed directly from this Kingdom to Newfoundland are victualled here, and provided with all other necessaries of British product and manufacture for ye whole voyage ; or whether the masters or freighters do not furnish themselves with provisions, that are brought from the Plantats. or other parts to Newfoundland. (31) Whether any British ship arriving at St. Johns, or in any other harbour in Newfoundland, from France, Spain or Portugal, before any ship, that was clear'd from this Kingdom, has been at any time permitted to be Admiral of the Harbour : or whether according to the custom of Newfoundland, such ships only as are cleared from Great Britain, have a right to be Admirall. (32) Whether the Admirals, or any other ships who arrive early at St. Johns or in the other Harbours, do put their passengers, or any of them into possession of the most convenient, or of any other fishing places, stages etc. upon pretence that they are freighters of their ships, before the arrival of the other fishing ships, or before they are all provided. (33) Whether any of the byboat keepers who remain in the country during the winter, and that are not inhabitants, do retain to their own use, or for the use of themselves and their partners who are expected by the fishing ships the fishing places, stages, beeches, flakes *etc.* which they possessed the preceding year, or whether they take possession of any others, that may be more convenient for them, in the ensuing fishing season before the arrival of the fishing ships, or before the said ships are all supplied. (34) Whether any of the fishing ships pursue, or follow the old laudable custom, of allowing their ships companys, shares of what they make in the voyage, instead of wages, and in such case, how much doth the charges of fitting out and

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maintaining a ship of 100 tunns, with 50 men and 10 boats amount to for the whole voyage. (35) Whether any commoditys of the growth production or manufacture of Europe, that are not bonâ fide and without fraud laden and shipped in this Kingdom, be imported or brought into Newfoundland *etc.* (36) How these commoditys are disposed of, whether only to the Fishery, or by selling to the ships belonging to New England, and other Plantations, in order to supply the sd. Plantations with such commodities as they ought to have directly from Great Britain, and not otherwise. (37) What quantitys of rum and other Plantation goods are brought to Newfoundland, more especially of those enumerated in former Acts of Parliament *etc.*; whether any of these commoditys are sold to the ships bound to Spain *etc.*, so as to make an indirect trade to those countrys in goods which ought not to be carried thither before they have been first landed in Great Britain. (38) In what manner do the merchants of New England carry on their trade at Newfoundland, what quantities of rum, molosses, wine, sugar, tobacco, flower and other provisions have they imported this year, to whom, at what prices do they sell their said goods, are they paid in fish, or in bills: if in fish, do they dispose of it again, or load it on the sack ships for Europe, and what value is it computed, that the goods sold by them may annually amount to. (39) How many taverns or public houses for entertainment in Newfoundland, or at least in the Harbour of St. Johns, are they kept only by the inhabitants, or by the byboat keepers, and the people of New England also; do they trust the fishermen upon their own credit, or do the masters of the ships and of the byboats permit them to trust their crews, and deduct the same out of their respective wages, hire or shares, in order to satisfy the said tavern-keepers: are not the poor seamen hereby tempted to spend the greatest part, or the full amounts of their wages and frequently to run so far in debt, that they are forced to remain as servants to the inhabitants, and at last constrained to be taken themselves to New England. (40) Whether the inhabitants do not usually trust their own servants with rum and other stores to a greater value, than their wages amount to: and whether they are not generally paid in this manner. (41) How much do the byboatmen and the inhabitants allow to the masters of the fishing ships for the passage of their servants, both out and home, in what manner do the

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said inhabitants pay the masters of the fishing ships for the same, and for the several necessarys they supply them with ; and whether a considerable part of these debts is not secur'd, by suffering their seamen to run in debt to the inhabitants. (42) Whether this method of trusting the fishermen, is not the occasion of many thefts and disorders, are they not by their debaucherys often withdrawn from and rendered unfit for their labours, to the great discouragement and obstruction of the Fishery. (43) Whether the masters of the fishing ships and byboats do not connive at or encourage their men to remain in the land, that they may save the charge of carrying them home : what number of men do stay behind yearly and particularly last year. (44) Whether the New England traders do still continue to entice and carry thither numbers of handycraft men, seamen and fishermen, and whether any of ye inhabitants do favour or assist them therein. (45) And whereas this practice must be prevented if possible, you are to require all the masters of the New England ships and vessels who depart from Newfoundland before the convoy respectively to enter into obligations not to carry away any of the seamen etc. and all possible care must be taken to have those obligations so witnessed, that in case it be thought proper to put them in execution, they may not be invalidated for want of evidence. And you are likewise to be as strict as is practicable to oblige all such New England ships, as may be in Newfoundland, to sail from thence at the same time you shall leave the land, and to get all the proof that can be had of the breach of any obligations entered into as aforesaid and to transmit an account thereof to the Lords Commrs. for Trade and Plantations. (46) And whereas H.M. Consuls and the merchants residing in Portugal, Spain and Italy unanimously complain that by reason of the ill curing of the fish in Newfoundland, for some years past, the consumption thereof is considerably lessn'd and that the trade will be lost if effectual care be not taken to reform the same, you are therefore to command the Admirals of the Harbours, strictly to enjoin the masters of the fishing ships, the byboat-keepers and inhabitants to take the greatest care in curing their fish with good salt and with a sufficient quantity and in preparing husbanding and ordering the same, that the credit thereof may be again recovered, and that it may be well received and esteemed in the several places to which it is carried for sale, and as the said Admirals

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are obliged to have a watchfull eye upon such as are negligent herein, so they are to return to you the names of those who will not comply with this admonition. And further, you are upon this occasion very particularly to enquire into their manner and method of taking and curing their fish, what quantity of salt they allow for the curing every 100 quintals, whether they are guilty of any abuse in ye ordering thereof, whether the fish taken at a distance from the land by their small vessels is not prejudiced before it is brought on shoar, whether the inhabitants or the fishing ships, or the byboats keepers are most to be blamed, and in short, from whence these complaints arise, and what methods are to be taken to prevent or rectify whatsoever is amiss. (47) You are also to inquire into the present state of the French Fishery in Newfoundland, on the Bank, and on the coasts of Canada and Cape Breton ; what number of ships, boats and men they employ therein. (48) How many of the French inhabitants remain at St. Peters, Placentia *etc.* under pretence of taking the oaths and becoming subjects to H.M., whether they do strictly observe the Laws in force for the regulation of the Newfoundland Fishery, or whether some of them do not annually bring, not only their fishing tackle, but likewise their servants, fishermen, and all sorts of goods from France to the destruction of our Trade, and whether, when the fishing season is over, they do not send them to France again. And whereas this practice is not warranted by the late Treatys with France, you are to take especial care to prevent it by putting in execution ye Acts of Trade and Navigation and that relating to the Newfoundland Fishery. (49) Whereas likewise by the said Treatys with France, the French are not allowed to erect any buildlings, besides stages and hutts necessary for drying of fish, nor to leave their boats during the winter at Petit Nore, you are therefore to inform yourself, whether the St. Malo men do assume this liberty, and whether any of the French come from Cape Breton or elsewhere, to hunt and fur in the winter at Newfoundland, for your better Instruction in this particular you have hereunto annexed copies of the Articles of the said Treaty *etc.*, and you will inform yourself whether the French do contain themselves within the bounds thereby prescribed them. (50) You are further to inquire whether any of the Officers of the Garrisons at Placentia are concern'd directly or indirectly by themselves or others in the

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Fishery, or whether they take upon them to dispose of fishing rooms, beaches, stages *etc.* to any persons whatsoever, or hire out the soldiers to fish? (51) And whereas we are informed that George Skeffington has lately erected a Salmon Fishery in Fresh Water Bay, Ragged Harbour, Gander Bay, and Dog Creek between Cape Bonavista and Cape John, which may prove of advantage to Great Britain; it will be necessary that you give all due encouragement and protection to that undertaking, whereof you will inform yourself, and transmit the fullest account you can get of the same to the Lords Commrs. for Trade. [C.O. 195, 7. pp. 10-35.]

April 8. 39. Mr. Bridger to Mr. Popple. The interest of the Crown is grown so very low, and the Prerogative trampled on to that degree, that no good officer, or a lover of his King and country can be silent *etc.* The clause in the Charter of New England saves no trees but 24 in. diameter and upward. All the young trees may be cut at the pleasure of the people and tis at their choice whether ever they let a tree grow to be 24 in., wh. clause is the destruction rather then the preservation of the woods, there is an Act of Parliament and an Act of this Province that has the same clause in them, which must be repealed, for the small trees being in demand at home in Great Britain, the people cutts all these trees under 24 inches diameter and plead the Act for it, and I am obliged to be silent, the large trees they cut at pleasure without regard to Acts of Parliament the Royal lycense or my warrant *etc.* Quotes case of Mr. Cooke and the Agent of Mr. John Taylor, who bid him defiance *etc.* v. June 20. Encloses following for the prevention of all these evils *etc.* Signed, J. Bridger. Endorsed, Recd. 17th June, 1720. Read 5th Sept., 1721. 8 pp. Enclosed,

39. i. Heads of a Bill proposed for the better preserving H.M. just rights and title to the woods and H.M. Prerogative in the Plantations and to preserve the woods from the pretended claims of the people *etc.* v. preceding. Copy. 4 pp.

39. ii., iii. Copies of grants of land made to John Cotton, 1641, and Governor Leveret, 1671, by the Council of the Massachusetts Bay, *etc.*, and orders of Council and Assembly, 31st Oct. 1710, granting petitions of Jno. Leveret and Elisha Cooke *etc.* for the laying out of the lands so granted for the heirs of above. Endorsed as preceding. 3 pp. [C.O. 5, 868. ff. 94-97v., 98v., 100-101v., 102v.-104v.]

April 8. 40. Council of Trade and Plantations to Mr. Secretary Whitehall. Craggs. Reply to 23rd Feb. The places where the petitioner, Skeffington, has begun this Fishery, have never been frequented

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by any fishing ships from this Kingdom. And as he is the first who has attempted to sett up a salmon fishery there, and as the prayer of his petition is no ways inconsistant with the Act for encouraging the trade to Newfoundland, we humbly offer that H.M. grant him for 21 years the sole fishery for salmon in Freshwater Bay, Ragged Harbour, Gander Bay, and Dog Creek between Cape Bonavista and Cape John etc. and have liberty to cut timber for his own use in the parts adjacent to those rivers or creeks for the said fishery only, provided it be at six miles distance from the sea shoar. [C.O. 195, 7. pp. 36-38.]

April 9. **41.** H.M. licence to Lt. Gov. Talmash to be absent from St. James's. Montserrat for a further year. Countersigned, J. Craggs. [C.O. 324, 34. p. 1.]

April 12. **42.** Council of Trade and Plantations to the King. Offer Whitehall. for H.M. confirmation Act of Antego, 1717, to enable Arthur Freeman and Dorothy his wife to sell a certain plantation etc. Quote Mr. West's opinion that the Act has all the saving clauses requisite. No objection has been made by any of the parties concerned, since the same was passed and transmitted etc. [C.O. 153, 13. pp. 455, 456.]

April 12. **43.** Council of Trade and Plantations to Mr. Secretary Whitehall. Craggs. Report upon petition of Capt. Evans, 14th Dec. 1719. Abstract. Petitioner being employed abroad in H.M. service could not avail himself of the offer of a reduction in his grant of lands in New York, when the Act was passed, 1708, for vacating extravagant grants etc. In consideration of his great services and of his having spent £3,000 on improving the said lands, recommend him for H.M. favour and an equivalent grant in some other part of H.M. Plantations. Set out, N.Y. Col. Docs. V. 535. [C.O. 5, 1124. pp. 128-131; and (corrected draft) 5, 1079. No. 114.]

April 13. **44.** Rev. W. Gordon to the Council of Trade and Plantations. London. Upon reading the votes about making some amendmt. to the Act for regulating abuses in ye Customs, I lay the following observation before your Lordships etc. There is no Law now in being that after ye importation of ye produce or manufacture of forreign Colonies into our Colonies prevents the exportation to them to forreign ports etc. Instances, many hundred hds. of French sugars imported to New York, Pensilvania and New England etc., and from thence exported directly to Holland. Mr. Worsam now in Gerard Street shew'd me an abstract from ye Custom House books of New York, of as much sugar exported to Holland in one yeare as would have paid the King above £1,000 duty. I have known several vessels go from

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Barbadoes and ye Leewards directly to Holland, Genoa, Leghorn and Venice, with loads of sugar, cocoa, indigo, fustick, lignum vitæ etc., some of which have fitted in Holland for Guinea, and 'tis to be fear'd others of them found means to remit their effects in European commodities directly to ye Colonies. A law preventing the exportation of the produce of forreign Colonies after importation to ours, to any place but Britain, would remedy all these evils. *Signed*, W. Gordon. *Endorsed*, Reed. Read 13th April, 1720. *Addressed*. $1\frac{1}{2}$ pp. [C.O. 323, 8. No. 2.]

- April 18 and 23. **45.** Mr. Willard to Mr. Popple. Encloses Minutes of Assembly and Acts of the Massachusetts Bay for the session of Nov. 1719, and Minutes of Council to March 1st 1719, and copies of private Acts 1717-1718, as requested by the Board etc. *Signed*, Josiah Willard. *Endorsed*, Reed. 16th June, 1720, Read 8th June, 1721. 2 pp. *Enclosed*,
45. i. Receipt for above. Boston, April, 1720. *Signed*, Thomas Quin. 1 p. [C.O. 5, 868. ff. 57-58, 59 v.]

- April 19. **46.** Mr. Secretary Craggs to the Council of Trade and Whitehall. Commissions and Instructions are to be prepared for Wm. Burnet Esq. appointed Governor of New York and New Jersey. *Set out*, N.Y. Col. Docs. V. 536. *Signed*, J. Craggs. *Endorsed*, Reed., Read 19th April, 1720. $\frac{3}{4}$ p. [C.O. 5, 1052. ff. 6, 7 v; and 5, 1124. p. 132.]

- April 20. **47.** Governor Rogers to the Council of Trade and Plantations. Nassau on New Providence. It's about 21 months since my arrival here etc., and I have yet no account from home what is or will be done for the preservation of this settlement. The ship *Samuel* who came with a gentleman as Factotum from the Copartners to know our circumstances and left us about ten months since wth. repeated full account of our miserable state, and a duplicate was soon after forwarded by Capt. Beauchamp, all which I am sorry has produced nothing for our relief. H.M.S. the *Flamborough* has happen'd to be here during the late Spanish invasion, and tho' the Captain is order'd to consult me for the security of ys. place yet notwithstanding our too evident danger 'twas with great difficulty that I and the Council here could prevaile with the Commander to stay till we had news from the Comadore Vernon from Jamaica, who came too late to prevent their first attempt on us. *Refers to enclosure*. But I hope he is now in ye way to stop their coming again with a better force. Few days past I sent a sloop to acquaint Comadore Vernon of the state of this settlemt. and that if he found the Spaniards was not come out and he was strong enough to block them up I wou'd leave this place as secure as I could and wait on him myself with about 300 men in some

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small vessels to make an attempt on them, which if it succeeds will deterr them from molesting us for some time and be a means for my getting wherwithall to supporting self and this place, for having no news of my bills being paid at home, I am forc'd to runn too much in debt and it's with great difficulty that I have hitherto supported myself and the garrison, so that be the consequence what it will I must adventure or the people that are about me will leave me and we shall starve or be a sacrifice to the Spaniards soon after they leave me. Enclos'd you have a copy of several informations that I have lately had of the progress of the French and I find the Spaniards are too weak to prevent them by sea, and 'tis much to be doubted they'll allso be the same by land, for the French are now I verily believe in a fair way of possessing the wealth of Mexico except they are by some means or other soon prevented, for unless we at home endeavour'd to follow the measures they do to share the Spanish Dominions in these parts, the Indians joyning wholly with them I fear will in less time then we are aware enable them to command all that's most valuable in these parts of the world, for I cannot forgett about ten years past how I found the Indians of Chili, Peru and Mexico on the coast of the So. Seas universally to hate the Spaniards, and some hundreds of them from different parts of the severall Provinces assur'd us that could they be supported and arm'd by any Europians especially English or French they could soon free themselves from ye slavery of the Spaniards being vastly superiour in number and now knowing the kind ususage the English and French gives all those that live amongst them, it's highly probable a designe of this kind wou'd succeed, for I am assur'd here the French will not find them of a different temper in these parts. A Spanish Father that I have now prisoner who seems to be a man of good sense and came the beginning of this month out of the Havana assures me that they are afraid of a Revolution in Mexico and that the Vice Roy will not be able to stop the progress of the French unless they have a Peace with France very soon. I have been at a great expence to support the people here under arms and to supply the garrison and arm'd vessels wth. proper necessarys for our defence, all which shall be transmitted home attested by the Council as soon as the embargo is off or we know ourselves out of danger of the enemy, the place is so wretchedly poor and having yet no assembly, I can by no means raise any part here and I beg your Lordships' intercession that the load may not lye on me who have sacrific'd all I can raise here wth. all the pay and substance of the Independant Company or this place had never held till now in honest hands. I have wrote the Rt. Honble. Mr. Secretary Craggs to beg his intercession that I might have leave to go home to settle ye affairs of this neglected Colony and to answer whatever can be laid

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to my charge for it's a great mortification to me to be here on this foott and my character suffer beyond example so that unless the Colonys around us find me support'd I shall trifle away my life here to no purpose. I depend my appearing at home will either enable me to returne wth. more encouragmnt. for myself and the Colony or if it must after all that I have suffer'd here be abandon'd, I may quit it with the character of an honest man that has done his duty which I am under no concern of making appear whenever I shall have the pleasure of waiting on your Lordships, and therefore I humbly request yr. Lordships interest if necessary, for my absence hence that if I deserve it I may return upon termes that will promote the future welfare of this place. I hope the charge of the fortifications and guardship will not be thought too much, since by that means only we lately sav'd this place from the Enemy, and had they enter'd the port as we expect'd we was in a condition to give good account of them but it's happy for us that they came when we had plenty of provisions and almost double the number of men we had at any one time for a twelve month before. We are now enreas'd to above 600 men and shall keep an embargo and all ready till we have an answer from Comadore Vernon wch. we expect in about eight days. All the best men that liv'd at Elutheria and Harbour Island are here and I have taken the guns from the Fort at Harbour Island and we resolve to defend ourselves here, should Comadore Vernon unfortunately not see the Spaniards in their passage hither a few days will determine whether they come or not. Oh would all this danger, troubles and fateagues [? but give ?] me hope of a future reward here I should despise it but I must confesse I am throughly weary of living at the rate I have hitherto. But if I survive it I beg your Lordships' compassion, till I can wait on you etc. Signed, Woodes Rogers. Endorsed, Reed. 17th June, Read 7th July, 1720. 3½ pp. Enclosed,

47. i. Governor Rogers to [? Governor of Carolina.] Nassau.
 April 18, 1720. Encloses copies of following etc.
Concludes :—A privateer has lately brought in two Fathers, the eldest of which is chief priest of St. Augustine and he assures me the Spanish armamt. next designed is most likely to come agt. you because the Govr. of St. Augustine has encouraged the Governour of the Havana to beleive the Indians may be engaged on their side, so that I heartily wish you may not be deceived by some of those you now depend upon. Signed, Woodes Rogers. Endorsed as preceding. Copy. 1 p.
47. ii. Capt. Hilderley to [? the Governor of Carolina,] Hambro' at Providence. Ap. 19, 1720. We have had advice of the Enemies designe to come a second time to attack this place from the Havana, which has been

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the reason of my stay here. I have sent a sloop to Capt. Vernon in the *Mary* a ship of 60 guns and with him another of 40 now cruising off the Havana to know of him if its his opinion he can prevent the enemies ships coming out or if there is any reason to expect them if his answer is agreeable I shall not stay longer here etc. *Signed, J. Hilderley. Same endorsement. Copy. 1 p.*

47. iii. (a) Richard Farrill and Wargent Nicholson to Governor Rogers. Moore Castle, Havana, 4th April, 1720. *Refer to letters sent on 9th February,* "wch. we have the satisfaction to hear came early enough to enable you to provide for the arrivall of your enemy which sailed with an Armadilla from this place 21st Feb. but did not continue their resolucon of bringing their large ships because of the many hands they would require to guard them so that must very much lessen their intended compliment to land which their small number would not admit of etc. By a hard north wind so soon as they had entered the Gulph three small sloops were driven back to the Metanies. Per dayly advises for this week past we have the pleasure to know their absolute separation which they represent to have happen'd by a storm 2 hours after their coming to anchor on your coast and that the 3 ships lost their anchors so that they were necessitated to bear away nor have they yet any newse of the two bigest ships, vizt. the *S. Joseph* the Commadore, and the *S. Christopher*, for wch. reason the slops and brigantines have all returned, whether it was distress of weather or fear (wch. we are more apt to believe) etc. About 10 days past arrived here the *Campanella* which we formerly advised was concluded lost but it seems she has got into Campahy. She and another vessell brings the said Lewis men which was wracked near Campahy and likewise the mony which the Vice King ship'd for the raising the expedicon for Pansecola all thoughts of which being absolutely given over they'l both be at ye Gover.'s pleasure to employ. Now as here 3 or 4 ships of war new fitted in and all the small craft of the expedition as well as men return'd, so by the influence of the money the Governour will be able to frame a far more formidable force than the former and as the men of war hath of sailing in a few days for the coast of Carrucas yet we are privately advised they are forming a second expedition against yr. Governmt., and we observe that one of the sloops that are returned from ye coast have so much as unbent their sails etc. About 14 days since arrived

news of the fall of Alberoni etc. This change of Ministry greatly affects our Governor who too justly apprehends the same fate unless he can do some distinguishing action to reinstate himself with the new Ministry before the Peace comes wch. confirms our apprehention of his invadeing you which shou'd it happen we expect 'twill be under the conduct of one Capt. Wahup (= ? *Wauchope* Ed.) a Scotch gentleman yt. went over with King James at his abdicacon. The *Campanella* will be obliged to be largely refitted, so that she may spare great part of her men, and they'l be able to make up near 2,000 men for the whole function. Had any of our cruisers but been on this coast they would have been able to have pickt. up the best part of these vessels that returned they have dropt in by one and two at a time. It seems one of them comanded by Diego Philippe carried out Napping who was taken with Capt. Bowling and put him ashore on St. Andrews Island, sending him off with his gunner and two negroes arm'd, and one of the three then shot Napping, the fire of the pistol being plainly seen by many of the sloop's company, but you'l judge the truth of this barbarity from his absence or arrival at Providence. We very much wonder none of our men of warr from Jamaica or England cruize on this harbour but hope now the season is becoming mild they won't omitt such advantage to both themselves and the Nation. Two fifty gun ships would be able at once to destroy all the force they are able to make from hence and suffer no traders to pass them *etc.* If the Governor of Jamaica could spare you two such ships 'twould infallibly secure your Governmt., the passing of the Jamaica fleet for Europe and be a great annoyance to enemys as well as profitable to the Commanders. The Spaniards have no other ships of force then what advised in our last so that they would be unable to receive such waite of mettall. Whether they go or not go agt. yor. Governmt. they'll certainly lay waite for sd. Jamaica fleet *etc.* As am writing this here's notice of an express from the Metanees with accot. that the aforesd. ships are both arrived in sd. port which if so the same Comadore will have the command of the Expedition on foot and here just now a Spanish vessell making for the port, either the St. Juan before concluded to be lost, or some other man of warr from La Vera Cruze to supply her place. You'll please to participate this to the Goverour of Carolina *etc.* Signed, Richd. Farrill, Wargent Nicholson.

47. iii. (b) Notes on preceding, by Governor Rogers. Nassau, 18th April, 1720. Napping was murder'd, for his skull is brought hither and his bones buri'd by the Englishmen yt. was left on Andrew's Island, The Englishmen yt. escaped with this letter from the Havana in a canoa pass'd by the sd. two ships menconed by Mr. Farrill where they lay sunk etc. so that he is misadvis'd. The ship he took to be a man of warr prov'd a large merchants ship from the Gulph of Malleek and Campechy and the *St. Juan* man of warr was also lost etc. *Signed*, Woodes Rogers. *The whole endorsed*, Reed. 17th June, Read 7th July, 1720. $4\frac{1}{2}$ pp.
47. iv. Capt. Vernon to Governor Rogers. *Mary* off of Cape Corientes on Cuba. March 24th, $17\frac{1}{2}0$. *Sends this by Capt. White, a Bahama privateer etc. Continues* :—I am in my way to lye about 12 leagues to the northward off of the Havana to prevent the enemy coming out etc. I have left orders with Capt. Whitworth in a ship of 40 guns to follow me as soon as possible etc. If the [Spanish squadron] should be already got out, I shall endeavour to take what further measures are in my power for yr. security, which you know coming to your Island is not, seeing ther's no draught of water for me, etc. *Signed*, Edwd. Vernon. *Same endorsement*. Copy. 1 p.
47. v. (a) Deposition of Thomas Messurer, of Guernsey. Nassau, 15th Feb. 1720. Taken prisoner with Capt. Hichinbottom of Jamaica, about 20 months ago, he was carried prisoner to Cartagena and the Havana etc. *Reports on Spanish preparations to retake Pensacola etc.* The French are preparing to march on the City of Mexico etc. the Indians supporting them. The Governor of Havana has detained a French flag of truce in order to prevent notice of the armament being prepared against Providence and Carolina etc. *Signed*, Thomas Messurer. (b) Deposition of Benjamin Johnson. 10th March, 1720. Partly confirms preceding.
(c) (d) Information given to Governor Rogers by Capt. John Cockrem, Samuel Vincent, Fra. Antonio de Escobar and Fra. Antonio Toledo, and Capt. William Williams, that the French design for the Bay of Mexico with 10,000 Indians, and the Spaniards had not force enough to prevent them etc. *Signed*, Woodes Rogers. *The whole endorsed as preceding.* $3\frac{1}{4}$ pp. [C.O. 23, 1. Nos. 23, 23. i.—v.]

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April 27.

In New
York.

48. Col. Schuyler to the Council of Trade and Plantations.
Abstract. Has obeyed H.M. Order forbidding alterations in the magistracy and dissolution of Assembly, and has admitted Francis Harrison to Council and Cadwallader Colden as Surveyor of lands. The Assembly is adjourned till June. Asserts that he took care to avoid making alterations in the officers; those few that were made, he explained. (*v. encl. i.*) Reminds the Board that the Mayors of New York and Albany are annually appointed on 29th Sept. by the Governor or Commander in Chief. *Continues:* The Commissioners for Indian Affairs at Albany did lately send an account that one Joneure a French Interpreter and four or five more of that Nation had not only been among the five Nations most part of the winter but had also found means to appointe some Sachins that favoured the French interest, and that he was gone from thence to divert or obstruct the farr Nations from coming to trade at Albany. As the consequences hereof are of the highest importance to H.M. interest among the five Nations, and our commerce with the other Indians, I have ordered two of the said Commissioners thither with proper presents attendance and instructions for setting the Indians right and rectifying those incroachments. etc. *Set out,* N.Y. Col. Docs. V. 537. *Signed,* Pr. Schuyler. *Endorsed,* Recd. 14th June, 1720, Read 18th Jan., 172^o. *Torn.* 2 pp. *Enclosed,*

48. i. Extract of letter from Col. Schuyler to Governor Hunter. 31st Oct., 1719. As Dr. Johnson's private affairs and the sickness of Madam Wollocks, and other of his friends in the Jerseys frequently called him thither he could not well attend the Mayoralty of this Citty, for which reason I appointed Coll. Cortlandt in his stead, and continued Collo. Farmer in his post of Sherriff, and as Mr. Livingston of Albany desired to be excused from continuing longer Mayor of that Corporation, I appointed Major Myndert Schuyler to succeed him, and at the request of the magistrates there, made Mr. Gerret van Schaick Sherriff of that city and county, this being all the alterations made by me. *Same endorsement.* $\frac{1}{2}$ p. [C.O. 5, 1052. ff. 116, 116v., 117v.—118v.]

April 27. **49.** Mr. Hales to Mr. Popple. The Lords of the Committee meet to-morrow to consider the petition of some officers for a grant of lands between Nova Scotia and New England. *Asks that* papers in the office requisite for proving the Crown's title thereto may be ready in case they are required. *Signed,* Robert Hales. *Endorsed,* Recd. 27th, Read 28th April, 1720. $\frac{3}{4}$ p. [C. O. 5, 867. No. 60.]

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- April 28. **50.** Proclamation by Lt. Governor William Dummer.
 Boston. £100 reward for the discovery of the author of a "scandalous and seditious paper entituled An Order of Our Sovereign Lord the People"; In which the Regal style and Prerogative is in high contempt of His Majesty, and with an unparalleled boldness and presumption assumed by a private person, the Judges and Justices of this Province treated as servants and creatures of the populace, their just enquiries into the offences against the public peace aspersed and vilified, and they menaced in the execution of their office, etc. *Signed*, W. Dummer. A cutting from [? *The Boston News Letter*]. *Printed*. [C.O. 5, 868. f. 247.]
- April 28. **51.** Mr. Burchett to Mr. Popple. *Presses for Representation upon Admiralty Memorials* (v. 6th Feb., 1719). *Signed*, J. Burchett. *Endorsed*, Recd. 29th April, Read 3rd May, 1720. 1 p. [C.O. 323, 8. No. 4].
- April 28. **52.** Mr. Carkesse to Mr. Popple. The Commsrs. of H.M. Customs desire a copy of report of 8th Nov., 1676, or any other papers relating to the farming the 4½ p.c. etc. *Signed*, Cha. Carkesse. *Endorsed*, Recd. 28th, Read 29th April, 1720. *Addressed*. 1 p. [C.O. 28, 15. No. 88.]
- April 29. **53.** Mr. Popple to Mr. Carkesse. Encloses paper desired in preceding. [C.O. 29, 14. pp. 73, 74.]
- April 29. **54.** Mr. Secretary Craggs to the Council of Trade and Plantations. The Representations *referred to in following* are to be laid before the House of Commons etc. *Signed*, J. Craggs. *Endorsed*, Recd. Read 29th April, 1720. 1 p. *Enclosed*,
 54. i. Address of the House of Commons to the King praying that the Representations made to the Council of Trade and Plantations relating to waste of trees proper for masts in any of H.M. Plantations in America, since H.M. happy accession to the Throne, may be laid before the House. 26th April, 1720. ½ p. [C.O. 323, 8. Nos. 3, 3. i.]
- April 30. **55.** Thomas Tickell to Mr. Popple. Desires duplicate of Ap. 12th. *Signed*, Tho. Tickell. *Endorsed*, Recd. 30th April, Read 3rd May, 1720. 1 p. [C.O. 5, 1052. ff. 8, 9v.]
- [? May] **56.** Francis Lord Guilford, guardian of Lord Baltimore, to the King. Requests H.M. approbation of Capt. Charles Calvert, H.M. 1st Regiment of Foot Guards, as Lt. Governor of Maryland in place of Lt. Govr. Hart. *Signed*, Guilford, pro Baltimore. ¾ p. (v. 19th May). [C.O. 5, 721. No. 16; and 5, 720. No. 27.]

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Portsmo.

57. Mr. Bridger to [? Mr. Popple]. In my last I laid before their Lordships that I had seized 16 trees cut in H.M. woods without the Royal licence, under these pretences. Timothy Gerrish, Paul Gerrish, and Thomas Hanson agreeing with David Jefferies Agent to Mr. Taylor Contractor for masts *etc.*, to get so many masts in H.M. woods. I told them publickly that if they cut any trees in H.M. woods without leave I would certainly prosecute them, having two laws, and the Royal licence and my Instructions on my side *etc.* On appearing before Lt. Governor Wentworth, they said they cut these trees by a licence they had from me in 1718 saying they had not fulfilled that agreement (for 136 trees). They refused to say how many they had cut then, or when the Governor came *etc.* These people will only be governed by a severe Act of Parliament wth. a good penalty fixed. Urges that the Board should represent to the Lords of the Admiralty the necessity of confirming his seizure, otherwise no trees will be left in a few years. *Repeats former letters etc. Signed, J. Bridger. Endorsed, Recd. 18th July, 1720, Read 5th July, 1722. 3 pp. [C.O. 5, 868. ff. 248-249v.]*

May 2. **58.** Mr. Secretary Craggs to Governor Philips. Mr. Whitehall. Harrison Chaplain to the Garrison at Annapolis is to have a license of absence for one year, for the recovery of his health. *Signed, J. Craggs. [C.O. 324, 34. p. 2.]*

May 3. **59.** Earl of Orkney to the Council of Trade and Plantations. London. Recommends Mr. Peter Beverley for the Council of Virginia, in accordance with Col. Spotswood's last letters, *etc.* *Signed, Orkney. Endorsed, Recd. 3rd, Read 31st May, 1720. Holograph. 1 p. [C.O. 5, 1318. No. 71.]*

May 4. **60.** Council of Trade and Plantations to Mr. Secretary Whitehall. Craggs. Enclose following for H.M. signature. *Annexed,* 60. i. Draught of Commission for William Burnett, to be Governor of New York and New Jersey. In the usual form. *Signed, 24 June, 1720. Set out, N.J. Archives, 1st Ser. IV 447; and N.Y. Col. Docs. V 538. [C.O. 5, 996. pp. 1-25; and 5, 1124. pp. 133-158; and 5, 1079. No. 115.]*

May 4. **61.** Extracts from Governor Burnet's Commissions and Instructions. *Of later date. 14½ pp. [C.O. 5, 1085. No. 38.]*

May 5. **62.** Lt. Governor Spotswood to the Council of Trade and Virginia. Plantations. I have the happy occasion to informe yor. Lordps. of a new revolution in the management of publick affairs here, and that in a late Council when nothing but

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accusations and answers were forming for your Lordps. determination all of a sudden a resolution was taken up, to lay aside all manner of complainings charges and vindications, and the whole Council and I have agreed to pass over and bury in oblivion whatever contests have heretofore happen'd between us, and engaged to act for the future as cordial friends in the administration of the Government: so that I am perswaded yor. Lordps. will by this reconciliation have fewer matters from Virginia to trouble yor. Board, and I shal henceforward find a more governable people. I cannot but joine with the Gentlemen of the Council to make an humble request to yor. Lordps. that no further notice may be taken of any representations etc. to the disadvantage of one or other, that have been made before the 29th of last month, which was the happy day of our pacification etc. *Signed*, A. Spotswood. *Endorsed*, Reed. 14th, Read 15th June, 1720. 1 p. [C.O. 5, 1318. No. 75.]

May 5. **63.** Council of Virginia to the Council of Trade and Plantations. *To same effect as preceding.* All our differences are now fully compromised and adjusted, to the universal joy etc. To prevent any differences for the future, the expedient we have fallen upon is, that no more separate complaints of either Governor or Council, be transmitted, but if any difference in the administration of Government happens, that we will amicably state it on both sides, and jointly lay it before yor. Lordps. etc. *Signed*, E. Jenings, Robert Carter, James Blair, Phill. Ludwell, John Lewis, W. Byrd, Wm. Bassett, Wm. Cocke, Nathll. Harrison, Mann Page. *Endorsed as preceding.* 2 pp. [C.O. 5, 1318. No. 76.]

May 5. **64.** Mr. Popple to Mr. West. Encloses memorials from the Whitehall. Admiralty (v. 6th Feb. 1719) and presses for reply how far their request may be comply'd with, in respect to the Common and Statute Law of this Realm, etc. *Misdated, 1722.* [C.O. 324, 10. pp. 276, 277.]

May 6. **65.** Mr. Stanhope to Mr. Popple. The Lords Commissioners of H.M. Treasury are desirous to know whether the Lords Commrs. for Trade have had occasion to apply to H.M. Attorney or Solicitor General for their opinion since H.M. appointed Mr. West to be Councill to that Board at £300 per annum salary etc. *Signed*, C. Stanhope. *Endorsed*, Reed. 7th, Read 10th May, 1720. *Addressed.* $\frac{3}{4}$ p. [C.O. 388, 77. No. 75; and 389, 37. p. 176].

May 6. **66.** Address of the Representatives of S. Carolina to [? Mr. Moore.] It is the humble opinion of this House that it may be propper by the next opportunity of writing for England to

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give Mr. Joseph Boone our Agent there an account that the Indians to the northward of this settlement have again broke out war against the inhabitants settled in those parts, and that the Indians to the southward of this Colony also have lately made incursions and depredations on our settlements there by killing some people and carrying away diverse slaves. All which might probably have been prevented had the Indian Trading Act continued in force whereby that trade was managed for the safety of the publick and which Act the Lords Proprietors by an instrument under their hands and seals pretended to repeal. And we desire you will please to represent that affair so to our Agent that he may there make the best use of it for the future safety and welfare of this Colony. *Signed*, Tho. Hepworth, Speaker. True Copy from the Journals of the House of Commons of the 6th May, 1720. Attested pr. Tho. Moore Ck. 1 p. [C.O. 5, 358. f. 4.]

[May 6.] **67.** James Smith to the Council of Trade and Plantations. Appointed Secretary of New Jersey by H.M. Letters Patent, 1715, Memorialist upon his arrival there found that by some late Acts of Assembly his fees were so reduced that it was not possible for anyone to subsist on them, and that those Acts had been made only for the punishment of Jeremiah Bass at that time Secretary and guilty of many ill practises. *Refers to* his application in 1719 and the Board's letter to the Governor advising the Assembly to repeal those Acts etc. The Governor is now in England, and there is no hope that the Assembly will repeal them. *Prays for* the Board's representation to H.M. that the said Acts be disallowed etc. *Signed*, James Smith. *Endorsed*, Recd., Read 6th May, 1720. 1 p. [C.O. 5, 971. No. 81.]

May 10. **68.** Mr. Popple to Charles Stanhope. *Reply to 6th May.* Whitehall. Encloses list of references required. *Concludes*: The Attorney General never made answer to any of the matters referred to him, tho' the late Sollr. did in some cases etc. But for the most part their Lordships did depend upon Mr. West's opinion singly, without whose assistance the business of their Office would have been greatly delayed. *Annexed*,

68. i. List of references by the Board of Trade to the Attorney and Solicitor General and of answers thereto, July 23, 1718—Feb. 5, 1720. [C.O. 389, 37. pp. 177-180.]

May 12. **69.** Mr. Popple to James Smith. The Council of Trade Whitehall. and Plantations desire to know to-morrow morning what the Secretary's fees in New Jersey were before the Acts complained of May 6 etc. [C.O. 5, 996. p. 26.]

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May 14. **70.** H.M. Warrant for appointing Cole Diggs to the Council St. James's. of Virginia. *Countersigned, J. Craggs. Copy. [C.O. 324, 34. p. 2].*

May 16. **71.** Mr. Carkesse to Mr. Popple. *Enquires whether the Act of Barbados for regulating the gage of sugar casks, in folio 118 of the Laws of Barbados printed in London in 1699, is in force. An Act with the same title is noted in folio 147 in the margin as expired. Asks whether sugar casks are ascertained by any other Acts etc. Subscribed,* The first Act is perpetual, and now reprinted as a standing law. The Act in folio 147 altered the dimensions of sugar casks but was made to continue two years, and no longer. (? by Mr. Popple). *Signed, Cha. Carkesse. Endorsed, Recd. 16th, Read 17th May, 1720. Addressed. 1 p. [C.O. 28, 14. No. 89.]*

May 17. **72.** Mr. Popple to Mr. Carkesse. *Reply to preceding.* All Whitehall. the Barbados laws are now with the King's Printer etc. *Replies from memory but will give a clear answer when they are printed etc. [C.O. 29, 14. pp. 74, 75.]*

May 18. **73.** Mr. Secretary Craggs to the Council of Trade and Plantations. H.M. refers following to the Council of Trade and Plantations for their report etc. *Signed, J. Craggs. Subscribed,*

73. i. Petition of John Plowman of London, fishmonger, and Robt. Shard of London, merchant, to the King. Pray to be granted a patent for monopoly in curing sturgeon in America, making caviare and isingglass etc. *The whole endorsed, Recd. 18th, Read 20th May, 1720. 1 p. [C.O. 323, 8. No. 5.]*

May 19. **74.** Order of King in Council. *Confirming Act of New York, 1717, for paying several debts etc.,* "in regard the bills of credit having been made out pursuant to the said Act which have come into the hands of divers of H.M. subjects for valuable considerations"; but directing that circular letters be sent to the Governors of all H.M. Plantations in America that for the future they do not pass any law whereby bills of credit may be struck or issued; or any law for payment of moneys to the Governor or any of the Councill or Assembly of their respective Provinces, or other person whatever without a clause inserted therein, declaring that such Acts shall not be in force untill they be approved and confirmed by H.M. excepting laws for raising and settling a publick revenue for defraying the necessary charge of the Government of the said Provinces according to the Instructions given to the respective Governors etc. *Signed, Robert Hales. Endorsed, Recd. 30th June, Read 1st July, 1720. 2 pp. [C. O. 5, 1052. ff. 18, 18v., 19v.; and (abstract) 5, 1124. p. 232; and (signed) Edward Southwell. Endorsed, Recd. Read 11th Jan. 1721, 5, 1052. ff. 101, 101v., 102v.]*

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May 19. **75.** Order of King in Council. Confirming Act of Antegoa St. James's. to enable Arthur Freeman etc. Signed, Edward Southwell. Endorsed, Reed. Read 11th Jan., 172^o₁. 1½ pp. [C.O. 152, 13. ff. 36, 36v, 37v.]

May 19. **76.** Order of King in Council. Approving draughts of St. James's. Commissions for Governor Burnet (v. 4th May). Signed, Temple Stanyon. 1 p. [C.O. 5, 189. p. 462 (a); and (signed) Edward Southwell, endorsed Reed. Read 11th Jan. 172^o₁, 5, 1052. ff. 103, 104v.]

May 19. **77.** Order of King in Council. Approving Capt. Charles St. James's. Calvert as Lt. Governor of Maryland, provided he qualifys himself as the Law directs. The Council of Trade and Plantations to take care that he gives good and sufficient security for observing the Acts of Trade and Navigation and H.M. Instructions. Signed, Temple Stanyan. Endorsed, Reed. 25th, Read 27th May, 1720. 1¼ pp. [C.O. 5, 717. No. 80.]

May 20. **78.** Lt. Governor Spotswood to the Council of Trade and Virginia. Plantations. See Preface and Spotswood Papers II, pp. 335-340.

May 20 **79.** (i.) Extract of letter from Lt. Governor Spotswood to Mr. Secretary Craggs. I beg leave to recommend to your favour Capt. Thomas Kennedy of the *Calabar Mercht.* etc. (v. 22nd March). Continues:—It is a common practice with those Rovers upon the pillageing of a ship to make presents of other commoditys to such masters as they take a fancy to in lieu of that they have plundered them off. I am humbly of opinion that it would very much conduce to H.M. service, if as an encouragement to such masters of ships to deliver up what piratical effects shall be thus given them, they should be promised satisfaction for their own perticular losses, and even a further reward proportionable to the value of the effects delivered and there seems to be a great deal of justice to plead for allowing them such a recompence, for in the case of Capt. Knott the pyrates finding him have guineas and English silver out of a mear caprice took that away and gave him above the value in moiders, and yet it was a doubt whether he could keep those moiders because the pirates could transfer no property in them and accordingly Capt. Knott delivered them up as well as the other effects putt into his hands this being a case which may frequently happen whilst so many pirates are roving on the seas and wherein the common interest of H.M. trading subjects is concerned, etc., asks for H.M. directions therein. Set out, Spotswood Papers II, pp. 340-343. Endorsed, Reed. (from Mr. Stevens) Read 28th March, 1721. Copy. ½ p. [C.O. 5, 1319. No. 5.]

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- [May 20.] **80.** Brigadier Hunter to the Council of Trade and Plantations. The Revenue of New York and New Jersey will expire in 12 months. *Proposes* that the Governor be directed to recommend to the Legislatures the settlement of a Revenue for the support of H.M. Government *etc.*, “in which due care to be taken for the necessary expences of the Council and Assembly, which thing necessary of itself by reason of the great expences of the Councillors who do not live in the Citys will be otherwise of great use in putting an end to that unhappy law in New York which was approv'd by ye Crown by which the members of the Assembly are paid by a Country tax and being sure of payment that way for their own trouble and attendance they are careless and indifferent as to the settlement for the necessary support of the Government, for the longer that is delay'd the more Sessions they have, and such as have little in view besides their own profit will probably be for delaying it longer than is safe or convenient, as has been formerly experienced, and if once the Assembly-men are paid in the same manner with the Officers of the Government the Counties being eas'd of that tax will instruct or oblige the Representatives to repeal the law which subjected them to it; And this is known to be the general inclination of the inhabitants, and this very thing is already directed in the Instructions for New Jersey.” *etc.* *Signed*, Ro. Hunter. *Endorsed*, Recd., Read 20th May, 1720. $1\frac{3}{4}$ pp. [C. O. 5, 1052. ff. 10, 10v., 11v.]

- May 21.** **81.** Mr. Secretary Craggs to the Governor of the Leeward Islands. John Spooner and Robert Howard are to remain in possession of the lands granted to them by the Governor in the late French part of St. Christophers, till H.M. shall think fit how to dispose of that part *etc.* *Signed*, J. Craggs. [C.O. 324, 34. p. 3.]

- May 22.** **82.** Lt. Governor Wentworth to the Council of Trade and Plantations. *Refers to* several complaints laid before him by Province of New Hampshire. Mr. Bridger of the destruction of H.M. woods. “I can't but impute a great deal of it to the new officer's not coming on the spot.” *Refers to* “the unwarrantable proceedings of many of our people this last winter past, notwithstanding an Act of Parliament and a law of this province” in felling mast trees without the Surveyor's warrant *etc.* *Continues* :—The Surveyor did on the 6th curr. apply himself to me for a guard which I emediately granted and on the 9th the Surveyor with the Sherrif under guard did go into the country and seized 16 trees cut without the Royall licence or Surveyor's warrant *etc.* I am humbly of opinion there should be an example made on some, otherwise H.M. interest will yet suffer in regard to the Mast trees *etc.* I have done my utmost endeavours to

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support the King's Officer and in deterring the country people from makeing waste in the woods etc. *Signed*, Jno. Wentworth. *Endorsed*, Recd. 8th Aug. 1720, Read 5th July, 1722. 2 pp. [C.O. 5, 868. ff. 237, 237v. 238v.]

[May 26] **83.** Petition of Daniel Allen and Joseph Lowe, of London, Merchants, on behalf of Josiah Willard, Secretary of the Massachusetts Bay. He was appointed by H.M., and his fees settled by an Act of Assembly in the 4th year of Wm. and Mary, amounting to so small a sum that it is hardly worth any person's attendance. An Act of 29th May, 1717, has so reduced the fees of that office that it would not support any person for his attendance etc. *Pray for its repeal*. *Signed*, Dan. Allen, Joseph Lowe. *Endorsed*, Recd. 26th May, 1720, Read 5th July, 1722. 1 p. *Enclosed*,

83. i. Acts of the Massachusetts Bay for regulating fees, in addition to the Act for regulating fees, and in explanation of the two Acts for regulating fees. 2½ pp. [C.O. 5, 868. ff. 282, 283-284, 285v.]

May 26. **84.** Deposition of John Plowman. The sturgeon now produced was taken and cured at Boston by his agent, etc. cf. May 18. *Signed*, John Plowman. *Endorsed*, Recd. Read 26th May, 1720. 1 p. [C.O. 323, 8. No. 6.]

May 26. **85.** Deposition of Robert Shard. On 24th inst. Mr. Boreland admitted to him that he did not know how to cure sturgeon etc. *Signed*, Robt. Shard. *Endorsed as preceding*. 1 p. [C.O. 323, 8. No. 7.]

May 27. **86.** Mr. Borland to Mr. Popple. I have resolved to joine with Mr. Shard and Plowman to take out the pattent jointly etc. Cf. preceding. *Signed*, John Borland. *Endorsed*, Recd. May 31st, Read June 3rd, 1720. *Addressed*. ½ p. [C.O. 323, 8. No. 8].

[May 27]. **87.** Petition of Capt. Evans to the King. Refers to petition, Dec. 1719, and report, 12th April, 1720. Sta. Lucia is almost intirely uninhabited. *Prays for a grant there in compensation for his losses and services. He will undertake to settle it etc.* *Subscribed*,

87. i. Mr. Secretary Craggs to the Council of Trade and Plantations. St. James's. 27th May, 1720. Refers preceding for their report thereon. *Signed*, J. Craggs. 1¼ pp. *Enclosed*,

87. ii. Council of Trade and Plantations to Mr. Secretary Craggs. Copy of 12th April. The whole endorsed, Recd. 27th May, Read 3rd June, 1720. [C.O. 5, 1052. ff. 12-14, 15v.]

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May 27. **88.** H.M. licence of absence for one year to William Byrd, St. James's. he being advised to come over to England to drink the Bath waters. In the mean time he is to be continued as one of the Council of Virginia etc. *Countersigned*, J. Craggs. *Copy*. [C.O. 324, 34. p. 4.]

May 30. **89.** Lord Guilford and Lord Baltemore to the Council of Trade and Plantations. Propose two sureties for Lt. Governor Calvert. v. 19th May. *Signed*, Guilford, Baltemore. *Endorsed*, Reed. 31st May, Read 3rd June, 1720. *Addressed*. 1 p. [C.O. 5, 717. No. 82.]

May 31. **90.** Council of Trade and Plantations to Mr. Secretary Whitehall. Craggs. Enclose following to be laid before H.M. *Set out*, N.Y. Col. Docs. V 541; N. J. Archives, 1st Ser. V 1. *Annexed*,

90. i. *Same* to the King. *Submit* following Instructions "which are to the same purpose as the last Governor had; except that there being two vacancies in the Council of New York, we have added the names of John Johnston and Francis Harrison to the list of Counsellors for that Province, and three vacancies in ye Council of New Jersey, we have added the names of John Johnson Jr. for the Eastern Division and John Reading and Peter Baird for ye Western Division." etc.

90. ii. Draught of Instructions for William Burnet, Governor of New York. St. James's, 3rd June, 1720.

90 iii. Draught of Instructions for W. Burnet, Governor of N. Jersey. [C.O. 5, 1124. pp. 158-231; and (without encl. ii.) 5, 1079. Nos. 116, 117; and 5, 996. pp. 27-98.]

May 31. **91.** Council of Trade and Plantations to the King. *Recommend* Peter Beverley for the Council of Virginia in the room of John Smith deed. [C.O. 5, 1365. pp. 210, 211.]

May 31. **92.** Mr. Secretary Craggs to the Governor of Placentia. Whitehall. The Principal Officers of the Ordnance having represented to H.M. that they have with much difficulty and expense sent over the greatest part of the materials for the new redoubt order'd to be built at Placentia, and proper officers for carrying on those works, etc. you are to assist and furnish the Engineer etc. with such a number of soldiers as shall be necessary, at the rate of sixpence a day each man, pursuant to former orders in the like case, or at such allowances as the Engineer or Director shall think reasonable to make for work done by contract or task. *Signed*, J. Craggs. [C.O. 324, 34. p. 5].

June 1. **93.** Governor Shute to the Council of Trade and Plantations. *Refers to* replies sent 17th Feb. and to enclosed replies relating to New Hampshire. *Continues*: H. M. Prerogative

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being concerned in what has lately happened in the Province of the Massachusetts Bay, I think it my duty to give your Lordships the following account. One the 25th of May the Assembly met, and thought fit to choose Elisha Cooke Esq. for their Speaker, upon which I sent a message down to the House that I would not accept of him. This is the gentleman I removed out of the Council for invading H.M. rights in the woods of Main, for which I had your Lordsp's. thanks ; and has also illtreated me for which he was censured by the Council, and remains upon record in the Council Books. The House upon my refusing of him sent me word that they would not proceed to the choise of another ; whereupon I continued the House sitting for five days to see if they could be brought to another choise, but finding they could not be prevailed upon I disolved them on the 30th of May. Upon searching the Records I found my predecessor late Govr. Dudley had negatived a Speaker ; The House insisted upon having him ; and the Govr. and Council being in some doubt whether the Governour had such a power invested in him or no, did permit that Speaker to continue, with the saving of H.M. Prerogative ; and sent home to the then Lords of Trade to have that clause in their Charter relating to elections explained and their Lordsp's. sent him *enclosed* explanation. *Refers to enclosures.* Continues :—I had the King's Attorney Genll's. opinion, and all the able lawyers in this affair *etc.* Asks for Instructions as soon as possible. Continues : I did imediately upon the dissolution issue out fresh writs, and know not whether the new Assembly will not choose the same person, which if they do I shall still continue to negative him untill I shall hear from the Honble. Board *etc.* The common people of this Province are so perverse, that when I remove any person from the Council, for not behaving himself with duty towards H.M. or His orders, or for treating me H.M. Govr. ill, that he becomes their favourite, and is chose a Representative, where he acts as much as in his power, the same part that he did when in Council ; of which Mr. Cooke is an instance, who strenuously opposed the King's Order in relation to the Impost Bill, in the House of Representatives. These proceedings very much clogg H.M. interest, as well as the interest and welfare of this Province, which I hope your Lordsp's. will be pleased to take into your consideration. The Indians in this country at present continue quiet and easy. Signed, Samll. Shute. Endorsed, Recd. 15th July, Read 3rd Aug., 1720. $3\frac{1}{2}$ pp. Enclosed,

- 93. i. Extract of letter from the Council of Trade and Plantations to Govr. Dudley, 4th Feb., 170 $\frac{1}{2}$. We approve of your conduct in relation to the Speaker *etc.* 1 p.
- 93. ii. Governor Shute's Speech to the Assembly of the Massachusetts Bay, 28th May, 1720, advising election of another Speaker, *etc.* Copy. 1 p.

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93. iii. Governor Shute's Speech to the Assembly, upon dissolving the same, 30th May, 1720. *Copy.* $\frac{3}{4}$ p.
 93. iv. Clause in the Charter of the Massachusetts Bay, that the Governor shall have the negative voice in all orders, laws, elections etc. *Endorsed, Recd.* 15th July. Read 3rd Aug., 1720. *Copy.* $\frac{3}{4}$ p. [C.O. 5, 867. Nos. 67, 67. i.-iv.]

June 1.
 Boston,
 N. England.

- 94.** Governor Shute to Mr. Popple. *Refers to* letters of 17th Feb. etc. and encloses following, "which had been sent sooner if it had not been for the longest and severest winter that has been known in these parts, which prevented me going into that Province so soon as I intended. I have the map of New Hampshire by me which I will send by Capt. Chadder who will sail in about 14 days which I take to be the safest conveyance this ship only touching at Cow's in its way to Holland," etc. *Signed,* Samll. Shute. *Endorsed, Recd.* 15th July, Read 4th Aug., 1720. *Addressed.* 1 p.

Enclosed,

94. i. Copy of Queries, June 4th, 1719, No. iii.
 94. ii. Governor Shute's Answers to Queries relating to New Hampshire (4th June, 1719). (i) The number of people in this Province were upon my first arrival about 9000 of which, men 1500. White servants, very few, Blacks 150. The increase about 500 in the four last years. (ii) The trade is principally lumber and fish, which is exported, the lumber to the neighbouring Governments to the West Indies and Western Islands, from whence our wines are imported, and very lately some to Great Britain as also some tar and turpentine, from whence the whole supply of all linnen and woolen manufactures is imported except some quantity from Ireland either directly or by way of other Plantations in exchange for our timber, merchantable and refuse fish. The merchantable fish is exported now wholly to Portugal and Italy, the proceeds of it allways remitted to Britain, except what is return'd in salt for the fishery. (iii) The trade in fishery is much increased since the peace with France, but the trade of lumber decreased, by reason of the low price it bears in the West Indies and little incouragement to send it to Britain, because of the great duty of it there. (iv) The methods used to prevent illegal trade is the due observation of the Laws now in force relating to the Trade of the Plantations which I indeavour strictly to put in execution and do also take all imaginable care that the King's officers are protected in the execution of their places. I am also of opinion that further to prevent illegal trade, that the

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Government of New Hampshire should have another Custom House Officer appointed, there being many creeks and coves to run prohibited goods. (v) The ships that trade to foreign parts are now very few, not above 20 belonging to the Province, but of fishing vessels 100 all built in this Province, of seafaring men and fishermen about 400, but many of them transient that are not inhabitants here. There are no settled manufactures in the Province. (vi) Lumber fish and masts for the Royal Navy with a small matter of turpentine are the only produce of this Province ; we build some ships but that is much abated since the last warr. Here is some quantities of iron mines which makes very good iron tho' but little of it forged as yet ; for an experiment there is two mills now erecting and great quantities of stone, in which we are of opinion there may be silver, of which stone a ship load was sent to London for a tryal but what it produces there is yet no account. (vii) The annual produce of these commodities is very uncertain, the price falling and rising according to the demand, seldom exceeding £50,000 per annum of New England money. This Province would produce quantities of hemp and flax, if any encouragement could be obtained for it, but the people want seed for the first sowing of hemp and flax. (viii) There is but one fortification, Castle William and Mary at the mouth of the harbour and is in a tolerable state of defence on which there is mounted 42 guns. *Endorsed as letter.* $2\frac{3}{4}$ pp. [C.O. 5, 867. Nos. 72, 72. i., ii.]

[June 3.] **95.** Col. Vetch, John Borland and James Douglas to the Council of Trade and Plantations. In 1709 Don Carolos Marquis de Suere, going Governor to Cartagena under his father the Marquis de Preuse, was taken prisoner by H.M.S. *Enterprize* and brought to Boston. After several months, at his instance, a flag of truce, the *Providence* brigantine, was fitted out by undersigned, loaden only with provisions, and sent to Cartagena with the Governor's passport, to arrange an exchange with several British subjects who had been taken in the Bays of Campeachy and Honduras. Under stress of weather etc. they asked leave to wood and water etc at Porto Bello, which was granted, but the vessel and cargo were seized and sold, and the master and men put on board a sloop for Jamaica etc. *Pray that the Court of Spain may be pressed to make redress etc.* Signed, Saml. Vetch, John Borland, James Douglas. *Endorsed,* Reed. Read 3rd June, 1726. $1\frac{3}{4}$ pp. [C.O. 388, 22. No. 256.]

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June 3. **96.** Mr. Popple to Mr. Lowndes. The Council of Trade and Whitehall. Plantations having approved the sureties for Lt. Govr. Calvert etc. enclose draft of a bond to be taken at the Exchequer etc. (*cf.* 17th May, 1715). [*C.O. 5, 727. pp. 492, 493.*]

June 3. **97.** H.M. Instructions for William Burnet, Governor of St. James's. New York, with Instructions relating to the Acts of Trade and Navigation. *v. 31st May. [C.O. 5, 189. pp. 486-544.]*

June 3. **98.** H.M. Instructions for William Burnet, Governor of St. James's. New Jersey, with Instructions relating to the Acts of Trade and Navigation. [*C.O. 5, 189. pp. 545-591.*]

June 7. **99.** H.M. Commissions to William Burnet to be Governor of New York and New Jersey, and revoking that of Robert Hunter. *v. 31st May. Countersigned, J. Craggs. [C.O. 5, 189. pp. 462-485.]*

June 7. **100.** H.M. Warrant granting the reversion of the offices of Chief Clerk and Register in Chancery and Clerk of the Crown and Clerk of the Peace in Barbados to Nicholas Paxton, upon the death, surrender or forfeiture of Anthony Cracherode who now holds them, and to Barnabas Legard, after the deaths, surrenders or forfeitures of Cracherode and Paxton etc. *Countersigned, J. Craggs. Copy, [C.O. 324, 34. pp. 5-7.]*

June 9. **101.** Col. Schuyler to the Council of Trade and Plantations. *New York. Abstract.* The Commissioners for Indian Affairs are returned and have great in measure obtained the ends for which they were sent (*v. 27th April*). Transmits their Journal in Minutes of Council, and recommends it to the Board's consideration, "least the French settle and secure those passes through which the five nations usually goe to hunt, and the Farr Indians come to trade at Albany, and I am of opinion we may justly prevent these mischiefs, since those very lands have been given in a public and solemn manner by the Five Nations to the Crown of Great Britain many years agoe" etc.

Encloses lists of vessels entered inwards and outwards, 29th Sept. 1719—25th March, 1720. *Set out, N.Y. Col. Docs, V. 541. Signed, Pr. Schuyler. Endorsed, Reed. 26th June, 1720, Read 18th Jan. 1720. 1 $\frac{3}{4}$ pp. [C.O. 5, 1052. ff. 119, 119v., 120v.]*

June 10. **102.** H.M. Warrant appointing Governor Burnet Captain of an Independent Company at New York, etc. *Countersigned, J. Craggs. Copy, [C.O. 324, 34. pp. 8, 9.]*

June 11. **103.** Governor Shute to the Council of Trade and Plantations. *Boston. Refers to letters of 1st June, sent by vessel en route for Holland and encloses map of New Hampshire. P.S. Since this*

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was written there has been a new election for the town of Boston where they have chosen Mr. Clarke an apothecary whom I had removed from the Council for having strenuously opposed H.M. order in relation to the Impost bill and other misdemeanours. *Signed*, Samll. Shute. *Endorsed*, Recd. 26th July, 1720. Read 7th March, 1720. 1 p. [C.O. 5, 868. ff. 1, 2v.]

June 11. **104.** Order of King in Council. Appointing John Johnston and Francis Harrison Councillors for New York, and John Johnson, junr. for the Eastern Division, and John Reading and Peter Baird for the Western Division of New Jersey. *Signed*, Edward Southwell. *Endorsed*, Recd. Read 11th Jan. 1720. 1 p. [C.O. 5, 1052. ff. 105, 106v.]

June 11. **105.** Mr. Secretary Craggs to Governor Lowther. I am commanded by H.M. to repeat to you the signification of his pleasure communicated in my letter of ye 5th of March last, that you exactly follow your Instructions in leaving the administration of ye government of Barbados with the eldest Counsellor who shall be at the time of your absence residing in the Island. To which I am now ordered to add by way of explanation that you do on no pretence whatsoever exclude Samuel Cox Esq. from ye said administration, to whch. he hath an undoubted right as eldest Counsellor. *Memdm.* This lr. was sent from ye Secy.'s Office under a flying seal for conveyance. *Signed*, James Craggs. *Endorsed*, Recd. 24th. Read 27th June, 1720. *Copy*. 1 p. [C.O. 28, 15. No. 90; and 324, 34. p. 8.]

June 11. **106.** Order of King in Council. Approving draughts of St. James's. Instructions for Governor Burnett. v. 31st May. *Signed*, Temple Stanyan. 1 $\frac{1}{4}$ pp. [C.O. 5, 189. pp. 486, a., b.]

June 14. **107.** Governor Hamilton to the Council of Trade and Antigua. Plantations. *Encloses* Minutes of Council and Assembly of Antigua, and an Act for raising a tax in St. Christopher's etc. *Continues*: Upon my return from the other Islands, and perusal of the papers your Lordships directed me to send, I find they are so deficient that I cannot presume to send them in the manner they now are but shall take care by the next safe conveyance to transmit them to your Lordships. Your Lordships can scarce conceive the trouble and pain I have taken in this affair, and can assure you there has been no neglect in me; the Islands being seperated and several of the Officers with whom I have to do in each of them, being ignorant and the best dilatory, have occasioned this delay. It has been so excessive dry for these five months past in these Islands and particularly in Anguilla that several of the inhabitants have deserted that Island, and more will follow. And I am apprehensive that

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(unless some provision is made for them) they will seperate and settle in some of the Dutch Islands. They have applyed to me for patents for land in Tortola which I did not give but have given grants for land untill H.M. pleasure shall be known therein, being convinced 'twill be very much for H.M. service and the good of these His Colonys to keep them, if possible, from seperating and settling among other Nations, the Island of Anguilla not affording sufficient to support themselves and familys. *Signed*, W. Hamilton. *Endorsed*, Recd. 8th Aug. 1720. Read 27th June, 1721. 3 pp. *Enclosed*,

108. List of enclosures; Minutes of Council of Antigua, 5th Jan. 1718—7th Dec. 1719; Minutes of Assembly, 5th Jan. 1718—24th March, 1720. Act of St. Christopher for raising a poll-tax on slaves and £500 etc. *Same endorsement*. 1 p. [C.O. 152, 13. ff. 77–78, 80–81, 82v.]

- June 14. 109. Governor Cranston to the Council of Trade and Plantations. In obedience to your Lordships' commands, Aug. 7th, wee have hearwith sent a chart or map of this H.M. Colony and should have sent it sooner, But your commands not coming to our hands untill the beginning of Nov. last, the winters season would not admit us to make an exact sirvey, so that wee was forst to suspend it untill the weather was moderate, and the country passable. The extent of the mape is drawn according to the bounds set forth by our Royal Charter etc. There having been a long controversy between this Goverment and the Goverment of the Masacusets and Conecticut (our bordering neighbours) about the bounds of our Colony; they have (as we presume) unjustly withheld from us considerable part of our Colony within the abovesaid bounds or limits, the which your Lordships will perceive by the green lines (the which describe what wee are at present possest of) and how much of our jurisdiction is forcibly detained from us. Tho for the sake of peace, and for maintaining a friendly correspondence with the Goverment of Conecticut. In the year 1703, by Commissioners chosen and commissionated by each Goverment a line was agreed upon between the two Coloneys, tho' to our considerable loss and damage (occationed by the ignorance of our Commissioners, of the situation of the countrey) wee were content to abide by it, and to confirme the said agreement. But the Goverment of Conecticut, tho often requested to joyn with us in running and stating the said line (tho much to their advantage) hath not joyn'd with us therein, but hold us in suspence, daley making incroachments upon our jurisdiction and propertys, the which unjust proceeding hath caused us to remonstrate and explaine the whole cause to our Agent, in order to be laid before H.M. in Councill, as we have done that on the other side relating what (we presume) is withheld from
- Colony of
Rhoad Island
etc.,
Newport.

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us by the Goverment of the Masstusets Bay *etc.* No incroachments have been made by the subjects of any forreigne Prince on said Coloney, but what incroachments wee have suffered hath been made by our neibours as aforesaid. This Colony in comparison of the other Provinces and Coloneys on this Continent is very small at ye extent *etc.*, if our neibours should be countenanced, it would be redused to a small morsel *etc.* *Rely upon* wisdom and justice and H.M. and his Council *etc.* *Signed*, Saml. Cranston. *Endorsed*, Reed. (from Mr. Partridge) 29th Aug., Read 1st Sept., 1720. $2\frac{1}{4}$ pp. [C.O. 5, 1265. No. 151.]

June 14. **110.** Messrs. Plowman, Borland, and Shard to Mr. Popple. Apply for joint patent for curing sturgeon *etc.* cf. May 27. *Signed*, John Plowman, John Borland, Robt. Shard. *Endorsed*, Reed. 14th. Read 15th June, 1720. *Addressed*. $\frac{3}{4}$ p. [C.O. 323, 8. No. 9].

June 15. **111.** Council of Trade and Plantations to Lt. Governor Whitehall. Spotswood and the Council of Virginia. *Acknowlede* letters of May 5th. *Continue*: We hope your reconciliation is establish'd upon such a foot as may prove to H.M. honour and service, and that the same may be lasting, wherein no doubt every good subject in Virginia must find his satisfaction and advantage. [C.O. 5, 1365. p. 214.]

June 16. **112.** A true state of the Case between the inhabitants of South Carolina and the Lords Proprietors of that Province; containing an account of the Grievances under which they labour. *An abstract of 3rd Feb. q.v.* *Endorsed*, Reed. (from Mr. Boon). Read 16th June, 1720. *Printed*. 4 pp. [C.O. 5, 1265. No. 145.]

June 18. **113.** Act of South Carolina *for the better supporting of the publick creditt etc.* In view of the expence of preparations for defence against the Spaniards and the incursions and depredations by the Indians, and the scarcity of money, £10,000, appropriated by the Act of 1719 entitled *An additional Act to an Act for raising of £70,000 etc.* towards sinking of so many bills of credit this present year, is appropriated for discounting of all such orders and accounts as are due from the publick, and extending the period for sinking the same till March 1723 *etc.* *Endorsed*, Reed. from Mr. Boon. Read 16th Aug., 1720. $2\frac{3}{4}$ pp. [C.O. 5, 358. ff. 8, 9v.]

June 18. **114.** Mr. West to the Council of Trade and Plantations. *Report upon Acts of Barbados.* (i) *Act to impower Governor and Council to commute the value of powder etc. found wanting in the accounts of storekeepers etc.* Refers to enclosed arguments

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for and against it. *Continues* :—That part which relates to the proceedings against Mr. Peers late one of the storekeepers is the subject of a petition by him now depending before the Privy Council. But another part which confirms the process executed by the Marshall of the Committee of accounts, I am of opinion is contrary to the King's Prerogative, inasmuch as the Committee do thereby pretend to establish a new officer of Justice, and such an officer as no Committee of our House of Commons at home, ever yet pretended to appoint. (ii) An Act for the better ordering and regulating the proceedings of H.M. Court of Common Pleas. Refers to enclosed reasons for and objections to it. *Continues* :—As to the subject matter, it is not proper to be pass'd, tho' the intention is very reasonable and very fitt to be pass'd when drawn into proper form. For if a speciall verdict bee not found, in any cause where either party thinks himself aggriev'd by the judgment, it is exceeding difficult if not impossible to have a remedy by appeal to the Councill at home, since without a speciall verdict the whole of the case can never fully appear. If therefore they had confin'd the obligation, they putt their judges under of directing a speciall verdict when desir'd, to such causes only where the value of the thing in question was equall to what by H.M. Instructions they are at liberty to appeal home for, I should have thought the Act well calculated to render the remedy the subject there has against any erroneous judgement by appealing to the Privy Council more easy and practicable and also to make the dependence of those people still closer to our Government at home. But the obliging all Judges to direct a speciall verdict without any reason assign'd, upon the bare request of the party, and that in causes of never so small a value, is certainly putting it in the power of the debtor most unreasonably to delay his creditor in the recovery of just debts. But the penalty inflicted upon Judges who deny or neglect to direct a speciall verdict when desir'd, by making them, besides an incapacity lyable to the damages sustain'd by the party, and those to bee recovered before any Justice of the Peace as in case of servants wages is so absurd that I beleive your Lordships will not think it proper to bee pass'd into law. Quotes 5 other Acts to which there is no objection. Signed, Richard West. Endorsed, Recd. 21st June. Read 5th July, 1720. 7 pp. Enclosed,

114. i, ii. Arguments for and against the Acts of Barbados to empower the Governor and Council to commute the value of powder etc. 6 pp.

114. iii. Reasons for repeal of Acts of Barbados (i) for the better ordering the proceedings of the Court of Common Pleas and (ii) for abrogating the oath appointed to be taken by attorneyes employed to draw up special verdicts and appointing another oath etc. Endorsed as report. 5½ pp. [C.O. 28, 15. Nos. 93, 93. i.-iii.]

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- June 18. **115.** Order of Committee of Council. Referring petition of Sir A. Cairnes and the reports of the Board of Trade thereon to the Treasury and Admiralty for their opinions. [Cf. July 21, 1718 and A.P.C. II. No. 1299]. *Signed*, Edward Southwell. *Endorsed*, Reed. Read 11th Jan. 17 $\frac{2}{3}$. *Torn*. 1 $\frac{1}{2}$ pp. [C.O. 217, 3. No. 17; and 218, 1. pp. 498, 499.]

- June 20. **116.** Governor Sir N. Lawes to the Council of Trade and Plantations. I have not been honoured with any of your Lordships' commands since my last letter of 31st March. Our Assembly met the 15th instant according to adjournment, and I recommended to them sevll. matters of importance for H.M. service and the good and prosperity of this Island. *Refers to* enclosed Speech, to which they returned a very dutifull Address etc. They have as yet been but a short time together since their last meeting, so that I cannot make any certain judgement whether they really intend to comply with their engagements, but I hope they will; Nothing shall be wanting in me to invite them to it and I should be extreamly glad they'd lay aside all animositys and disputes, and seriously pursue the true interest of their King and Country, etc. *Signed*, N. Lawes. *Endorsed*, Reed. 24th Aug., Read 2nd Nov., 1720. 1 $\frac{1}{2}$ pp. *Enclosed*,

116. i. Speech of Governor Sir N. Lawes to the Assembly of Jamaica, June 16, 1720. *Printed* by R. Baldwin. Price 2 ryals. *Same endorsement*. 5 pp.

116. ii. Address of the Assembly in reply to preceding. 17th June, 1720. *Signed*, Edmund Kelly, Speaker. *Same endorsement*. 1 p. [C.O. 137, 13. Nos. 43, 43. i., ii.]

- June 20. **117.** Mr. West to the Council of Trade and Plantations. *Report upon* the Admiralty Jurisdiction and Piracies in the Plantations. (Cf. May 5th). The 54th Instruction to Governours, which the Lords of the Admiralty desire may be annulled, on the supposition that the Governours are sufficiently instructed by their patents issuing out of the High Court of Admiralty, relate to two things, the goods of pirates and goods piratically taken. The Common Law of England is the Common Law of the Plantations, and all Statutes in affirmance of the Common Law pass'd in England antecedent to the settlement of any Colony are in force in that Colony unlesse there is some private Act to the contrary, tho' no Statutes made since those settlements are there in force unlesse the Colonies are particularly mention'd. Piracy is Felony (that is a capital crime) only by the Civill Law as that Law is the rule of proceeding in our Admiralty Courts, nor was it at all cognizable by the Common Law. But the Admiralty Jurisdiction was by ex-perience found not to bee a remedy adequate to the mischief

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since by their law no man can bee condemned to death unlesse he either confesses his crime or bee convicted by witnesses, who saw him committ the fact, by which means many offenders escap'd punishment. To remedy this mischief it was enacted 28th, Hen. viii. ch. xv., that all murthers robberies etc. committed by pirates on the High Seas or where the Admirall pretends jurisdiction shall be try'd in such counties within the Realm as shall be limittted by the King's Commission, in like manner as if such offences were done at land. And that such Commissions shall be directed to the Lord Admirall *etc.*, and such as shall bee convict, suffer death without benefitt of clergy, and forfeit lands and goods, as in cases of felonies, and murthers done at land. Ever since, no pirate has been condemned by a Court of Admiralty quâ such, but all tryals for piracy have been by speciall commission grounded upon the Statute. Now if this Statute was of force in the West Indies no person cou'd bee convicted there without a speciall Commission, and if it was not the proceeedings must have been altogether at the Civil Law as receiv'd in the Admiralty Courts unaid by any Statute and consequently scarcey any person wou'd have been convicted at all, for doubtlesse the inconveniencies wou'd bee as bad there if not worse than they were at home before the making of that Statute. By the preamble to the Statute of 11th and 12th William III ch. vii it not only appears that ever since the statute of Hen. VIII, the tryall of pirates *etc.* before the Admirall *etc.* singly by the Civill Law had been altogether disus'd and laid aside, But also that the statute of Hen. VIII did not extend to the West Indies, and therefore it is enacted "that all piracies felonies and robberies committed upon the sea *etc.* where the Admirall has jurisdiction may bee try'd at sea or upon the land in any of H.M. Plantations by Commission under the Great Seal of England or Admiralty Seal." Which Commissioners tho' they are directed to proceed according to the course of the Admiralty doe not yet derive any part of their authority from our High Court of Admiralty, but only from their speciaall Commissions issu'd for that purpose. Argues that therefore pirates in the West Indies, and consequently their goods cannot be condemned before the Admiralty Courts as such, but only through the special Commissions granted to Governors founded upon the Statute of Wm. III. As presidents of such courts of judicature, quâ special Commissioners not quâ Vice-Admirals' a Governor must take care of the person to whose custody such goods are committed. The Instructions is therefore very properly given.

The second Memorial (Feb. 6th, 1719) is occasioned upon the letters of Mr. Smith, Advocate for the Court of Admiralty in New England and Mr. Menzies, Judge of Admiralty in the Massachusetts Bay, and is founded on nothing but the desire which the Admiralty Judges have of extending their jurisdiction

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in the West Indies. Mr. Menzies complains not that prohibitions have been directed to their Admiralty Courts in cases in which by law they ought not to have been granted, but that any prohibitions were granted at all, *etc.* Argues that it is impossible a power of granting prohibitions should not be wherever the Common Law is extended. For should the Court of Admiralty in New England take upon them to hold plea of freehold or to take cognizance of Acts of debt *etc.* what remedy has the subject to vindicate that right to that inheritance which he has in being judg'd by the Common Law. If there is no power of granting prohibitions, remedy he has none, and the benefit of the Common Law must in the Colonies bee enjoy'd by none but those who have wealth sufficient to support frequent appeals to Great Britain *etc. etc.* Concludes: But as to Mr. Smith and Mr. Menzies being disturb'd in the exercise of the Admiralty jurisdiction in the adjudication of what is or is not prize, they certainly are in the right to complain, and it is the duty of the Governors to support them in it, and if they are negligent in so doing, H.M. order for that purpose wou'd undoubtedly make them carefull to doe it *etc.* The Lords of the Admiralty pray H.M. to order the Governor to restrain the Provinciall Judges from interrupting the proceedings of the Courts of Admiralty. But if prohibitions are legally granted, no order can authorize him to hinder them, and if they are not, the proper remedy is by appeal. But if your Lordships should find as in all probability the fact as to New England is, that the people there, doe under a pretence of law attempt to disturb and perhaps to banish from that Province, the due exercise of an Admiralty Jurisdiction deriv'd more immediately from the Crown than that of their own Courts, the properest remedy the Admiralty can apply for, is that a bill may bee brought into Parliament next Sessions, by which the manner of trying piracies, and the exercise of the Admiralty Jurisdiction may be established *etc.* Signed, Richd. West. Endorsed, Recd. Read 21st June, 1720. 23½ pp. [C.O. 323, 8. No. 10.]

June 20. **118.** Mr. Bridger to Mr. Popple. I have pro[se]cuted Timothy Gerrish, Paul Gerrish and Thos. Hanson for cutting 6 pine trees without licence *etc.* They act under an agreement with David Jefferys, an agent of Mr. Taylor's *etc.* If such an agreement is approved of, a Surveyor is of no more use than if he were in China *etc.* It is impossible to get witnesses. The owners (*sic*) probandi must be upon the cutters. Mr. Cooke's oppinion has prevailed so far that the King nor his officer has anything to do in the woods *etc.* Your Lordships may expect a cloud of witness's affidavits against me for defending H.M. rights *etc.* There is not one person in these parts, that will support H.M. just rights, prorogative *etc.*, but the Lt. Governour, Jno. Wentworth, who has not failed me upon my application,

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on all occasions. Thomas Westbrook, one of H.M. Council, has taken the same liberty with those criminal offenders, and agreed with Mr. Jefferies to get so many trees, and employed many men in this province to cut them, more in the province of Main and all without licence, etc. When recommended to your Lordships he had then a good repute and favour wth. the people but within 2 years is gott violently into the faction of Cooke wch. is against King and Govert. etc. It is more than a year since I have had the favour of a line from their Lordships; and two years without any salary, nor any person to supperseed me here. *Prays for Instructions etc.* Here is in this province sown a good quantity of hemp seed, and I am well assured by the late Act of this province it will be encouraged and the people find their intrest answered thereby. The tryal being over this judgment was given: (because I could not prove that the trees was cut on unappropriated land). That the 6 trees should be delivered to defendants' they giving bonds of £600 to deliver them to H.M. yards and produce a certificate thereof in 18 months, and that they pay the officers fees. They answered the 3 Justices that they would not pay any fees. *Refers to enclosures etc.* Signed, J. Bridger. Endorsed, Reed. 17th Aug. 1720. Read 22nd Aug., 1721. *Holograph.* 4 pp. Enclosed,

118. i. Mr. Bridger to Saml. Penhallow, Richd. Wibird, Thos. Packer, the three Justices referred to in preceding.

Portsmouth, June 11, 1720. Concludes: Those trees being under seizure before the trial commenced, it was not cognizable before you, either to take bonds or deliver a tree of them 6, but to enquire where they were cut and nothing else, for these trees must be found to answer the judgment given thereon. *Same endorsement.* 1 p.

118. ii. Copy of Mr. Taylor's contract with H.M. Commissioners of the Navy for the delivery of two ship loads of masts yearly etc. 2nd May, 1715. With Mr. Bridger's comments: His agent cuts what number of trees he pleases without my licence etc. *Same endorsement.* 1 p.

118. iii. Benjamin Wentworth to Mr. Bridger. Paul Gerrish etc. have got 130 trees this winter besides the 16 seized etc. Signed, Benja. Wentworth. Note by Mr. Bridger: The secret agreement was but for 119 etc. *Same endorsement.* Addressed. 1 p. [C.O. 5, 868. ff. 71-72v., 73v., 74, 75-76v.]

June 21.
Office of H.M.
Remem-
brancer.

119. Certificate that Lt. Governor Calvert has put in the security required, v. 19th May. Signed, James Pearse. Endorsed, Reed. Read 24th June, 1720. $\frac{1}{2}$ p. [C.O. 5, 717. No. 81.]

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- June 22. **120.** Copy of Governor Shute's Commission to Henry Newman to be agent in England for N. Hampshire, as voted by the Assembly, April 20, 1720. *Signed*, Samuell Shute, Richd. Waldron, Cler. Con. *Endorsed*, Reed. (from Mr. Newman) 30th Sept., 1720. Read 10th Nov., 1721. 1 p. [C.O. 5, 868. ff. 149, 149v.]
- June 23. **121.** Governor Burnet to the Council of Trade and Plantations. Supports suggestion for an instruction relating to Revenue of New York, similar to that given for New Jersey etc. (v. 20th May). *Signed*, W. Burnet. *Endorsed*, Reed. 23rd. Read 24th June, 1720. 1½ pp. [C.O. 5, 1052. ff. 16, 16v, 17v.]
- June 24. **122.** Office accounts of the Board of Trade, March 25—
June 24th, 1720. v. Journal of Council. [C.O. 388, 77. Nos. 78, 80, 82, 83.]
- June 24. **123.** Memorandum of Commission appointing Edward Ashe Esqr. a Lord Commissioner of Trade in the room of John Molesworth. *Endorsed*, Reed. Read 2nd July, 1720. *Slip*. [C.O. 388, 77. No. 76.]
- June 24. **124.** Council of Trade and Plantations to the Lords Justices.
Whitehall. Lt. Governor Calvert having given the usual security, *enclose*, for their Excellencies' signature, draft of the usual Instructions to the Lord Guilford, guardian to the Lord Baltemore, relating to the Acts of Trade etc. [C.O. 5, 727. pp. 493, 494.]
- June 24. **125.** [?] to Mr. Boone. *Refers to former letters. Continues:*
Carolina. Very lately we have had a very wicked and barbarous plott of the designe of the negroes rising with a designe to destroy all the white people in the country and then to take the towne in a full body but it pleased God it was discovered and many of them taken prisoners and some burnt some hang'd and some banish'd. I think it propper for you to tell Mr. Percivall at home that his slaves was the principall rogues etc. 14 of them are now at the Savanna Towne and will be executed etc. The Savanna garrison tooke the negroes up half starved and the Creeke Indians would not join them or be their pylots. The war continues still between the Creeks and the Charaches which I take to be good news for us the Creeks was lately coming down to assure us of their friendship but advice was brought them that the Yamasees was foule of their towns and had killed 7 warriors and many others and taken many prisoners etc. I gave you an account formerly that there was a tanner and his white sert. killed by the Indians to the Southward and 12 negroe men carried them to Augustine which has I imagine given them incouragemt. to come again a plundering for we have

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now advice that seaven perioguas are coming from the Yamasees to the southard a plundering at least but if they can by treachery take Port Royall Garrison doubt not but they will doe it. I suppose some Spands. is with them. At the same tyme the negroes was playing the rogue we had a small war with the Vocamas a nation on Winea River not above 100 men but the Gentlemen have paid for it for there is 60 men women and children of them taken and killed and we have not lost one white man only a Winea Indian killed and now they petition for peace which will be granted them. We increase dayly in slaves but decrease in white men a body of white people we expect from Philadelphia but they are at a loss how to gett lands they have sent already to view Cape Feare and like it pretty well there is lately a periagua full of white men gon from Charles Towne which is supposed design to turn pyrates. From Augustine is lately fitted out nine privateers which have taken many vessells on this coast the man of warr that is now here have retaken one that was chartered here on Govr. Johnson and Capt. Marshall from Providence retook a ship that the Spands. had taken off Virginia with a good cargoe of dry goods the ship came from White Haven as I take it Govr. Moore's bro. was taken also by the Spaniards going to North Carolina to see his bro. and is now at Augustine poore Mr. Geo. Livingston's eldest son was also on board the same vessell and we doubt is lost for the privateer put on board a long boat off Cape Hateras 12 leagues 50 soules in one boat and his son we heare was one so that we are afraid they are all drowned. If H.M. will be pleased to take us under his imediate care it will putt some life in us but if not many of the best and richest inhabitants will leave the country. I hope if it please God you gett the Governmt. in the hands of the Crowne you will endeavor that we have good officers sent of all sorts then doubtless Carolina will thrive again. I expect we shall now have more pyrates then ever therefore the more occasion of an imediate protection from the best of Princes King George (whom God preserve). *Endorsed, Recd. from Mr. Boon. Read 16th Aug., 1720. Copy. 2 $\frac{3}{4}$ pp. [C.O. 5, 358. ff. 6, 7v.]*

June 24. **126.** Mr. Popple to Mr. West. Encloses petition of Messrs. Whitehall. Plowman etc (v. 14th June). The Council of Trade and Plantations judging that undertaking fit to be encouraged, and being desirous to have the same effectually carryed on without being made a stock-jobbing business, I am to desire your opinion in what manner a patent may be granted them to answer what their Lordships propose. [C.O. 324, 10. pp. 278, 279.]

June 25. **127.** Mr. Bridger to Mr. Popple. Inclosed is the trial I had this 11th of June and was cast etc. Since my last I have demanded of Thomas Westbrooke Esqr. to let me see agreement

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betwixt him and Mr. David Jefferies for cutting mast trees but he refuses, nor will he tell me how many trees he has cut etc. *Complains* that he has been 2 years and 4 days without any support and is in great straits etc. *Signed*, J. Bridger. *Endorsed*, Recd. 8th Aug., 1720. Read 5th July, 1722. *Addressed*. 2 pp. *Enclosed*,

127. i Copy of trial of J. Bridger *v.* Timothy and Paul Gerish and Thomas Hanson for cutting 6 trees without licence etc., referred to 1st May, 20th June, and in preceding. Portsmouth, 9th May, ff., 1720. *Same endorsement*. 23 pp. [C.O. 5, 868. ff. 250, 250v, 251v-263v.]

June 26. 128. Petition of Stephen Duport to the Council of Trade and Plantations. *Prays for* a letter to Governor Hamilton to aid his attorneys (instead of delaying their proceedings to eject his son's widow, Ester Duport out of his plantation in St. Christophers etc.), as also in getting the charges he was at in procuring the stores for all the Leeward Islands. Mr. Tryon has been paid the freight long since, which 'twas agreed should be paid at the same time etc. *Signed*, Ste. Duport. *Endorsed*, Recd. 26th. Read 29th June, 1720. $\frac{1}{2}$ p. *Enclosed*,

128. i. [? *Mr. Duport's Attorney to Mr. Duport.*] Nevis, 30th April, 1720. *Complains* of Governor Hamilton's continual delays in signing a writ of rebellion against the widow (*v. preceding.*) *Copy*. $\frac{1}{2}$ p. [C.O. 152, 13. ff. 16, 17, 19v.]

June 28. 129. Horace Walpole, Auditor General of the Plantations, to the Council of Trade and Plantations. *Complains* that the Assembly of New York have refused to allow his Deputy there to audit the Treasurer's accounts, with a view to keeping the money given for the use of the Civill Government intirely in their own power without rendering any accot. of the application of it to H.M. etc. *Set out*, N.Y. Col. Docs. V. 545. *Signed*, H. Walpole. *Endorsed*, Recd. 12th. Read 15th Aug., 1720. 6 $\frac{1}{2}$ pp. [C.O. 5, 1052. ff. 28-31v.]

June 28. 130. Order of Lords Justices in Council. Approving of Whitehall. Instructions for Lt. Govr. Calvert (*v.* 24th June). *Signed*, Edward Southwell. *Endorsed*, Recd. Read 11th Jan., 17 $\frac{2}{3}$. 1 p. [C.O. 5, 717. No. 85.]

NOTE.—After the entry of a Memorandum of above document in C.O. 5, 727, p. 495, the volume concludes with the note: The subsequent papers relating to this Province are entered in Proprieties.

June 28. 131. Order of Lords Justices in Council. Appointing Peter Whitehall. Beverley to the Council of Virginia. *v.* 31st May. *Signed*, Edward Southwell. *Endorsed*, Recd. Read 11th Jan. 17 $\frac{2}{3}$. 1 p. [C.O. 5, 1319. No. 1].

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June 30. **132.** H.M. Instructions (by the Lords Justices) to Francis Whitehall, Lord Guilford, for and on behalf of Charles Lord Baltimore, a minor, Proprietor and Governor of Maryland, relating to the Acts of Trade and Navigation. [C.O. 5, 189. pp. 592-613.]

July 1. **133.** Council of Trade and Plantations to Governor Hamilton. Whitehall. Being informed that there is a suit depending between Mr. Stephen Duport and his sons widdow for a plantation in St. Christophers, and that his attorneys have met with some delays, particularly in the issuing out a writ of rebellion against the said widow; we thought fit to give you this notice thereof, and to desire you will examine whether any unjust delays have happen'd in this or any other case in the administration of justice within your Government, and take effectual care to remedy the same, that Mr. Duport or other H.M. subjects may not suffer thereby, but have speedy Justice. And whereas Mr. Duport has represented to us that he has been at considerable expence in procuring ye stores of war some time ago sent to the Leeward Islands, and for the incident charges in shipping them off, which he has not yet been reimbursed; we recommend it to you that the just expences for the publick service be punctually repaid. [C.O. 153, 13. pp. 457, 458.]

July 1. **134.** Board of Ordnance to the Lords Justices. *Enclose Office of Ordnance.* as directed estimate for bedding and stores demanded by Governor Burnet for H.M. garrisons in the Provincee of New York etc. Parliament has never made any provision for those services, alledging they were able and ought to supply themselves, nor have we any officer there. Upon extraordinary emergencies this Board has by warrant from her late Majesty, supplyed them several times with stores to the amount of £10,000 never yet repaid, wch. has reduced the state of stores here and occasioned a debt upon the Office. We therefore humbly hope your Excellencys will give directions for supplying the said garrisons some other way. *Signed,* T. White, Cha. Wills, M. Richards. *Endorsed,* Recd. (from ye Secrys' Office by Mr. Delafaye) 11th. Read 12th Jan. 172½. *Copy.* 2 pp. *Enclosed,*

134. i. Estimate of stores designed for H.M. Garrisons of New York. *Total:* £1090 4s. 4d. *Copy.* 1 p. [C.O. 5, 1053. ff. 18-19, 21v.]

July 2. **135.** Council of Trade and Plantations to the Lords Justices. Whitehall. *Enclose* Mr. West's opinion, June 20th. *Continue:* We beg leave to represent that it would not be for H.M. service to annul the 54th Instruction to Governors, in as much as the same is perfectly agreeable to the Laws of this Realm, neither can the second memorial be comply'd with without taking from the Provincial Courts in the Plantations the power of granting

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prohibitions, which would be giving up the jurisdiction of the Common Law; but in case the Provincial which are the Common Law Courts in the Plantations, should incroach in any particular instance upon ye just rights of the Admiralty Courts there, it is not to be doubted but that they will obtain redress upon application to H.M. in Council here. [C.O. 324, 10. pp. 280, 281.]

July 2. **136.** Order of Lords Justices in Council. Referring preceding representation of the Council of Trade and Plantations to the Lords Comms. of the Admiralty for their further opinion thereon. *Signed*, Edward Southwell. *Endorsed*, Recd. Read 11th Jan., 17 $\frac{2}{3}$. $\frac{3}{4}$ p. [C.O. 323, 8. No. 17.]

July 3. **137.** Lt. Governor Gledhill to Mr. Secretary [Craggs ?].
Placentia. *Original* of Nov. 1st. No. i. *Signed*, S. Gledhill. *Endorsed*, R. 29 Oct. 7 pp. [C.O. 194, 24. No. 13.]

July 4. **138.** H.M. licence of absence for six months to Governor Pyrmont. Shute to come to Great Britain to settle some private affairs of his own. He is to take effectual care to leave things in such a condition that H.M. service and the welfare of those Provinces may suffer no prejudice by his absence, and that the Government be administered as is appointed by his Commission and Instructions. *Countersigned*, Stanhope. *Endorsed*, Reed. 19th. Read 21st March, 172 $\frac{2}{3}$. $\frac{2}{3}$ p. [C.O. 5, 868. ff. 342, 343v; and 324, 34. p. 11.]

July 7. **139.** Mr. Tryon to Mr. Popple. I received your letter last night etc. The gentlemen opposed to the commuting Act ask permission to wait on the Board next week etc. *Signed*, Thos. Tryon. *Endorsed*, Recd. Read 7th July, 1720. 1 p. [C.O. 28, 15. No. 94.]

July 8. **140.** Governor Burnet to Mr. Delafaye. Upon your telling me that the Lords Justices did expect that the Province of New York should provide for the repayment of what money the stores sent to that province formerly had amounted to, and that the stores now desired will amount to, I have informed myself from Brigadier Hunter, if such a provision could be expected from the Assembly of New York, and he is of opinion they will never contribute to anything that relates to the regular forces; which add a strength to the Government of which the Assembly are jealous being desirous of being as independant as they can. This makes it seem the more necessary to have the troops and stores in good order not only in case of an enemy, but likewise to prevent disorder in the province. Such have happened already in the case of the Palatines, who once took up arms and refused to obey the Government, but

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were dispersed on the troops advancing. In like cases if the troops are unprovided the Government there would be in danger of the greatest confusion, all which makes me humbly hope their Excellencys will order the said stores to be provided as formerly. *Signed*, W. Burnet. 2 pp. [C.O. 5, 1085. No. 28.]

July 11. **141.** Mr. Popple to Mr. West. Encloses seven Acts passed in Barbados 1719, 1720, for his opinion thereon in point of law. [C.O. 29, 14. pp. 78, 79.]

July 12. **142.** Warrant of the Lords Justices appointing Peter Beverly to the Council of Virginia. *Copy. Countersigned*, Cha. Delafaye. [C.O. 324, 34. p. 9.]

July 13. **143.** Governor Shute to the Council of Trade and Plantations. Boston, N. England. The new chosen Assembly mett on this day, and have chosen another Speaker in the roome of Mr. Cooke; so that I hope the affairs of the Province will now go smoothly on, and H.M. just Prerogative be asserted which I shall allways stedfastly adhere to. *Signed*, Samll. Shute. *Endorsed*, Reed. 17th Aug., 1720. Read 7th March, 1721. 1 p. [C.O. 5, 868. ff. 3, 4v.]

July 13. **144.** Col. Schuyler to the Council of Trade and Plantations. New York. *Abstract. Encloses* Journal of Indian Interpreter sent to the place where the French have erected their house. Recommends that regard be had to it both for settling the boundaries between the two Colonies and that the Court of France may enjoin the Governor of Canada to demolish the building and not to make such attempts for the future, for though they call it a trading house, it is evident they must have a farther view, it being a pass through which the five Nations generally go to hunt and the Far Indians come to trade at Albany. If they should be permitted to get footing there, it might prove of fatal consequence to H.M. settlements. *Repeats* 9th June. Will write to the Governor of Canada, but is doubtful of success. Will study to preserve the Province in the perfect peace and tranquility in which it is etc. *Set out*, N.Y. Col. Docs. V. 549. *Signed*, Pr. Schuyler. *Endorsed*, Reed. 9th Sept. 1720. Read 18th Jan., 1721. 1 $\frac{3}{4}$ pp. *Enclosed*,

144. i. Journal of Lawrence Clawsen, Interpreter from the Sinnekies Country, 22nd May, 1720. On 24th [April] I set out with 3 Sachims of the Sinnekies in order to go to Octjagara where we arrived on the 30th. I in behalf of the Sachims told a French merchant who was there in a house of 40 ft. long and 30 wide with two other French, that the five Nations have heard you are building a house at Octjagara, and having considered how prejudicall a French settlement on their

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land must prove to them and their posterity, have sent me and the Sachims to acquaint you with their resolution that it is much against their inclination that any buildings should be made here and that they desire you to desist further building and to leave and demolish what you have made. The French merchant answered that he had leave from the young fighting men of the Sinnekies to erect a house at Octjara, and would not demolish it before he did write to the Governour of Canada who had posted him there to trade for him *etc.* The Sachims say'd they never heard that any of their young men had given such leave. On 7th May I returned to Tjerondequatt where I met a French Smith sent by the Governour of Canada to work for the Sinnekies gratis he having compassion on them as a Father on his children knowing they wanted a smith since they have layed out a new castle, and that three French cannoes loaded with goods went up to the tradeing house at Octjagara. The same day I went to the Sinnekies Castle and repeated to the Sachims and young Captains (in the presence of Jean Coeur the French interpreter) what I told the French merchant at Octjagara and his answer, on which the Sachims and young Captains sayd that the French had built the house without askeing any of them leave, and desired that their brother Corlaer might do his endeavour to have said house demolished that they may preserve their lands and hunting *etc.* Jean Coeur interrupted me when I repeated the above speech to the Sachims and young Captains and sayd " You endeavour to have the house demolished only because you are afraid that you will not get any trade of this Nation and the farr Indians for when wee have and keep a house and people there we can stop all the Sinnekies and farr Indians but not that you are afraid that wee shall keep the land from this Nation." Whereon I made answer that the French make the settlement at Octjagara to incroach on the five Nations to hinder them of their hunting and debar them of the advantage they should reap by a free passage of the Farr Indians through their castles, and in hopes to impose on the said Nations by selling them goods at an extravagant rate as for a blanket of strowds for 8 beavers a white blanket 6 and other goods proportionally. Whereas they may have them at Albany for half which the said Indians affirmed to be true. *Copy.* 3 pp. [C.O. 5, 1052. ff. 123-125, 126v.]

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- July 13.** **145.** John Frere, Commander in Chief, Barbados, to the
Barbadoes. Council of Trade and Plantations. The Government of this
place being devolved on me by the absence of Mr. Lowther,
I thought it my duty herewith to transmitt to your Lordships
the Minutes of Councill on the day of H.E.'s departure, *etc.*
The inhabitants are very easy and quiett; I shall make it my
study and care to keep them so *etc.* *Signed*, Jno. Frere. *Endorsed*, Reed. 7th Sept., 1720. Read 18th May, 1721. 1 p.
With memorandum of Minutes of Council, 30th June, 1720.
 $\frac{1}{4}$ p. [C.O. 28, 17. ff. 86, 87v., 88.]

- July 13.** **146.** Rev. W. Gordon to the Council of Trade and Plantations.
London. I humbly beg leave to be heard in behalf of the Gentle-
men of Barbadoes against confirming a law lately made for
regulating the Court of Exchequer. *Signed*, W. Gordon. *Endorsed*,
Reed. Read 13th July, 1720. *Addressed*. 1 p. [C.O. 28, 15.
No. 95.]

- July 13.** **147.** Council of Trade and Plantations to Lt. Governor
Whitehall. Spotswood. *Acknowledge* letters of 26th May, 11th Aug. 1719,
1st Feb., and 5th May, 1720, the last of which we have answer'd
by a ship that was just sailing when we receiv'd it, being un-
willing to loose that opportunity of congratulating you and the
Council upon your reconciliation. The abovementioned letters
will not require much to be said to them, the greatest part of
them being upon matters which are now to be forgot. However
we must acknowledge your care in transmitting to us the several
Journals, accounts and other publick papers *etc.* We observe
what you write, 26th May, in relation to the discontinuing the
salary to the Judges of the Courts of Oyer and Terminer, and
making an establishment for the Judges for the tryal of pirates,
but since you and the Council are now likely to live upon good
terms together you may reconsider that part of your letter and
let us have your second thoughts thereupon; In the mean
time we presume the expence for trying of pirates will not be
very great, the Courts for those tryals being only accidental
and for that reason less proper to be look'd upon as establish'd
Courts. We also take notice of what you write in the same
letter in relation to the effects of Thach the pirate, But upon
this occasion we think you ought rather to have govern'd your-
self by the 56th Article of your Instructions, and kept the
produce of those effects in your hands till H.M. pleasure had
been known, and you would have done well if you had inform'd
us into whose hands you had remitted that produce. It would
seem to us that you have done your duty in suppressing the
pirates on the coast of North Carolina and no complaint has
hitherto been offer'd to us against you upon that account;
but in case any should come before us what you have written
upon this subject may then be of use. We shall be very glad
to receive your answer to the queries we sent you, 26th June,

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1719, with all convenient speed, and desire that you will be very particular therein. We return you our thanks for the acct. you give us of St. Augustine, 1st Feb. last, but the general Peace leaves no room for executing your proposal on that head ; However since there is so large a ballance upon the acct. of the duty on liquors and slaves, we think it would be a very considerable service if that part of money (supposing the same not to be particularly appropriated) were apply'd to the extending your frontiers towards the mountains, and building forts at the heads of the rivers to protect the inhabitants ; As we are very little appriz'd of the state of your out-settlements, you the Council and Assembly of Virginia will be best able to take the proper measures for your own security upon this occasion, wherein notwithstanding you will avoid giving any just cause of offence to your European neighbours, but as there are several considerable rivers that come from the mountains we desire you would let us know as soon as may be what forts or fortifications there are already built, if any upon those rivers to secure the British Colonies from the insults of the bordering Indians, or from the encroachments of your other neighbours. We have consider'd your letter to Colo. Schuyler and have given a copy of it to Mr. Burnett now going over to New York, and discours'd with Brigdr. Hunter thereupon who is of opinion (and we agree with him) that the five Nations of Indians should not be govern'd with a high hand, but led by gentle means and fair usage, considering the increase of the French power in North America, and how they make it their business to court the natives there, and Albany therefore having generally been the place appointed for treating with the five Nations where the Lord Howard and several others succeeding Governors of Virginia have met them for that purpose, we would recommend to you to wave the ceremonial provided the essential part of it can be obtained. In order to this end we are of opinion that after Mr. Burnet's arrival a time of meeting should be appointed, that you should send Commissioners from Virginia to treat with the five Nations at Albany and that these Commissioners should take along with them one or more Deputies with the belts of Wampum from each of the Indian Nations in your Govt. in order to make a firm and lasting peace with the said five Nations, and that this be done in the most solemn manner ; That these Indian Deputies should describe their situation and abode as particularly as may be, that the New York Indians may avoid giving them disturbance upon any occasion whatever ; If the Tuscaruros have been protected by the five Nations as you suggest, it will be reasonable that in the propos'd Treaty the said five Nations should be engaged to procure a peace between the said Tuscaruro Indians and all H.M. subjects on the Continent of America. We shall only observe that this method of treating with the Indians is more

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agreeable to your own sentiments in your letters of the 11th Aug. to us than to what you write in your letter to Colo. Schuyler. etc. Enclose Mr. West's report upon the two Acts mention'd 26th June, etc. [C.O. 5, 1365. pp. 216-221.]

July 14. 148. Mr. Gordon to the Council of Trade and Plantations.

London. *In obedience to their Lordships, states the advantages and disadvantages that would arise from the settlement of Sta. Lucia. Advantages :—(1) It would be an addition of strength to the English, etc. (2) It has good ports, capable of containing a fleet of men of war and where they may be careened etc. (3) The soil is of the same nature as Martinique, and very proper for producing cocoa; a species of merchandize which the English have never yet produced, and which they consume great quantitys of, especially in our Colonies, where every mechanic drinks chocolate for breakfast and supper, etc. (5) Colonies in the West Indies are more beneficial to Britain than in North America; Dr. Davenant on the Plantation Trade ingeniously calculates, every English subject in the West Indies adds to the wealth of Britain 7s. 6d. per ann. for every 2s. 6d. that a subject in North America adds. (6) By its scituuation, Sta. Lucia could very much annoy Martinique, etc. Disadvantages. (i) It would encrease the sugar trade, of which there is already more produced than the markets of Europe can well consume; and by consequence damage already settled Colonys. Suggests that the grantees be restrained from planting sugar canes, which involve a capital of several thousands of pounds, whereas all the utensils requisite for curing of cocoa are not worth £20. (ii) The soil is so rich, that the inhabitants of Barbados, especially the poorer sort, would be tempted to forsake their habitations in Barbados which are now worn out, and settle there etc. The poor immigrants from Barbados to Antigua, tempted there by Col. Codrington's offer, when Governor of Antigua, of 10 acres of land gratis, were no loss to Barbados. Many hundred families have gone from Barbados to Carolina and Pensilvania; But they were such for the most part who had run themselves more in debt than they were worth in Barbados, and could have been no longer useful in that Island, and yet are now some of the toppingest inhabitants where they are, and many of them have paid their old debts etc. Barbados will benefit by the hard timber which must be cut down to clear the ground in a new Colony, which they now annually pay the Dutch of Surinam and Isacape great sums for etc. It would be a very necessary addition to the English strength forthwith to settle St. Vincents and Tobago both, now, whilst we are in a condition of doing it. Signed, W. Gordon. Endorsed, Recd. 14th July, 1720. Read 18th May, 1721. 4½ pp. [C.O. 28, 17. ff. 97-99v.]*

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- July 15.** **149.** Mr. Gordon to the Council of Trade and Plantations.
 London. Objections to the Act of Barbados *for regulating the Court of Exchequer.* (i) The Act deprives every person from suing in that Court but such as are officers of the Court or Crown and debtors and accomplices to H.M. etc., and directs all others to make their recoverys in the Common Pleas Courts, which do not sit in that Island from the latter end of Sept. to the beginning of Feb. etc. Whereby those who sue in the Exchequer may have a speedier way of recovering debts and may obtain satisfaction in full whilst leaving nothing for equally just claims upon an estate etc. Examples given. (ii.) The Act is calculated purely for preventing the speedy recovery of debt etc. (iii.) It makes being a Baron or Officer of Exchequer of so great consequence, that all the greatest merchants in the Island, who never used formerly to concern themselves with being judges of the Courts of Law, do now use their utmost endeavours to obtain that office, and, as 'tis said, at some expence, so much to the prejudice of other merchants that they are grown very cautious how they trust shopkeepers with merchandize who deal with the officers of the Exchequer etc. P.S. I should have offer'd reasons against an Act *to prevent H.M. subjects within Barbados from having any trade or commerce with, or giving any protection etc. to any rebellious subjects of His most Christian Majesty,* but as that law was only temporary, I shall only observe that, notwithstanding the specious title, it was one of the most pernicious laws that ever was made, ruin'd above an hundred poor family's who were thereby deprived of their usual subsistence by going to Tobago, St. Vincents, Sta. Lucia for wood and turtle, and vested such an unlimited power in the Governour and Council, to punish only for going to our own Colonys, and that too by a sort of Popish Inquisition, as never was heard of in that Island before. *Signed,* W. Gordon. *Endorsed,* Recd. 15th July, 1720. Read 18th May, 1721. 4 pp. [C.O. 28, 17. ff. 106-107v.]

- July 15.** **150.** Mr. Delafaye to the Council of Trade and Plantations.
 Whitehall. The Lords Justices desire your attendance on Tuesday etc. *Signed,* Ch. Delafaye. *Endorsed,* Recd. 16th, Read 19th July, 1720. 1 p. [C.O. 323, 8. No. 11.]

- July 18.** **151.** H.M. Warrant granting the office of Clerk and Remembrancer of the Court of Exchequer in Barbadoes to Charles Huggins, to hold, by himself or sufficient deputy, for life. He is to reside within the Island, and not to be absent without H.M. leave. *Countersigned,* Stanhope. [C.O. 324, 34. p. 10.]

- July 18.** **152.** Mr. Attorney and Mr. Solicitor General to the Council of Trade and Plantations. *Reply to 24th June.* If such a patent as is prayed by Mr. Shard (June 14) might be granted by law, the makeing it a stock jobbing business may be prevented

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by inserting a clause therein for that purpose. But upon the case as stated to us we apprehend that the art pretended to by the petitioners does not appear to be a new invention of which the sole use is grantable. Besides that we are very doubtfull upon consideration of the Statute of 21 Jac. i.e.3 whether the Prerogative of the Crown for makeing grants of this nature exclusive of other persons extends to the Plantations. *Signed*, Rob. Raymond, Phi. Yorke. *Endorsed*, Reed. 22nd July, 1720. Read 25th May, 1722. $\frac{3}{4}$ p. [C.O. 323, 8. No. 30.]

July 19.
New Hamps.,
New England.

153. Mr. Armstrong to the Council of Trade and Plantations. *Reply to their enquiry through H.M. Commissioners of Customs, Oct. 31st last, recd. 8th inst., as to what manufactures of woollen and linnen are carried on in his district.* As to New Hampshire they have made but little improvement in their woollens. By reason for many years past they have altogether gone upon lumber and navall stores etc., within this three years past there is about 500 Irish familys come over, who has put ye inhabitants upon improving and making linnen cloth fitt for their shirting and sheeting, and will doe ye same where they settle etc. *Refers to previous communications, 1709, etc. and proposals for Naval Stores from N. England by Sr. Matthew Dudley and others. Continues:* But since that matter mett with such various sorts of obstructions at home etc., had that matter been then obtain'd it would timely prevented them from raising and improveing their woolen manafacty. which they have now brought to great perfection both as to goodnes and quantity, severall thousand pounds worth of stuffs and druggetts made in ye severall Colonys, are sold in the shop at Boston. Since New England is capable of produceing their own manufactures as woollen, linnen, iron, copper and raising of Navall Stores, and they are now fully bent that nothing shall divert them from it, I presume in a few years they will sett up for themselves independent from England. In 1717 I made a seizure of a sloop load of wool imported from one Plantation to another contrary to the Act of the 10th and 11th of K. Wm. and the same was adjudged a lawfull seizure, and ye wool and vessell condemnd according to Law, and a decree for sale of ye same. Upon which the Courts of Common Law here entred a prohibition agt. the Judge of Admiralty, not to enter such actions, as not being cognizable in his Court, so by this means all our suites will be stopped if these prohibitions be allowed, for its only from the jurisdiction and authority of that Court ye officers can be supported for H.M. service etc. I am humbly of opinion that there is an absolute necessity to have that Act more fully explained at home, and that it may be in the power of the Courts of Admiralty in the Plantations fully to determine that matter. Otherwise the seizing of wool here will be to no

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effect and they will still be encouraged to transport wooll from one Collony or Plantation to another, which will unavoidably enable them to make greater quantitys of their woollen manufac-tures.

P.S.—Ye greatest stocks of sheep are raisd to the southward vitz. in the Massachusetts Goverment, Rhoad Island and Connecticut and I am credibly informd there is upon three or four Islands belonging to these Governments above 30,000 sheep besides ye vast quantitys upon ye main, and yt. ye wool from the Islands is yearly transported to ye severall Colonys to be manufactured to ye great disadvantage of Great Britain.
Signed, Rot. Armstrong. *Endorsed*, Reed. 14th Sept., 1720.
 Read 5th July, 1722. $2\frac{1}{4}$ pp. Enclosed,

153. i. James Menzies, Judge of Admiralty in New England, to H.M. Commissioners of Customs. Boston, 25th July, 1717. *Refers to* Memorial submitted by him to the Lords Commrs. of the Admiralty, 10th Aug. last, relating to case referred to in preceding. *Continues*: I am humbly of opinion that ye jurisdiction and Courts of Admiralty in New England were mightily encroached upon by the Judges of Common Law etc., and thereby the contrabainers of the Acts of Trade encouraged, from which illegal invasions unless I were releived it would be impossible for me to prevent ye inconveniencys and damage that would inevitably follow to the trade and manufactorys of Great Britain and in particular to the woolen manufacture thereof etc., etc. *Signed*, James Menzies. *Copy*. 2 pp. [C.O. 5, 868. ff. 274-275, 276, 276v, 277v.]

July 20. 154. Council of Trade and Plantations to the Lords Commissioners of the Treasury. *Enclose* Office accounts from Midsummer, 1719 to Midsummer, 1720. There was then 6 months salary due to the Secretary and other Officers, etc. *Accounts annexed*. [C.O. 389, 37. pp. 182-184.]

July 20. 155. Mr. Delafaye, Secretary to the Lords Justices to the Council of Trade and Plantations. Encloses following for their report thereon. *Signed*, Ch. Delafaye. *Endorsed*, Reed. 20th. Read 21st July, 1720. 1 p. Enclosed,

155. i. Petition of John Conrad Weiser and John William Schef to the Lords Justices. In behalf of themselves and 3000 German Refugees in New York, *pray that* instructions may be given to the new Governor for their speedy settlement on land still in the disposal of the Crown etc. *Signed*, Johan Conrad Weiser, Johan Wilm. Schef. $\frac{3}{4}$ p. [C.O. 5, 1052. ff. 20, 21, 22v, 23v.]

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July 20. **156.** Richard Platt to Samuel Barons. Sr. we have
 Charles a report here by way of N. England of a warr wth. France
 Town. wch. God forbid, and if so this Country will soon be lost, we
 are in a very great confusion concerning the affaire of this
 Governmt, most of the cheif men are resolved not to be under
 the Governmt. of ye Proprietors, wch. if they find renewed
 they are resolved to quit the country, wch. will be of the utmost
 evill consequence; some are already going off and many other
 of our princepall inhabitants are impatient for advises from
 England if H.M. will take care of this country or not, and if
 speedy care be not taken I see nothing but desolution and
 destruction must be the consequence. Wee have had such a
 prodigious dry time as never was known before by any living,
 not a drop of rain has scarce fell in most parts of ye country
 for five months, so that people have planted over again several
 times and now allmost dispaire of makeing anything, there is
 abundance of corn and provisions already everywhere irre-
 coverably lost, droves of cattle *etc.* too and again the country
 dye for want of water, our rivers being salt, that corn and
 provissions is become already so scarce, that corn is sold for
 50s. pr. bushl. and small rice wch. used to be of little value for
 50s. pr.c. and hardly any to be had, abundance of people are
 oblig'd to kill their cattle and smoke dry it, to feed their
 negroes, all wch. and other matters and the planters being much
 indebted I dread what the consequences of all things may be
 that for my part I wish I could get farely out of the country.
Signed, Richd. Splatt & Co. N.B. said Mr. Splatt is ye most
 considerable mt. in Carolina to his uncle the sd. Mr. Barons in
 London also ye most considerable trader to Carolina. *Addressed.*
Copy. 1 p. [C.O. 5, 382. Nos. 21, and (duplicate) 22.]

July 20. **157.** Mr. Delafaye to the Council of Trade and Plantations.

Whitehall. *Encloses following:* You are to inform the Lords Justices of
 the state of that affair before Tuesday next, which they have
 appointed for the consideration of that matter *etc.* *Signed,* Ch.
 Delafaye. *Endorsed,* Recd. 20th, Read 21st July, 1720.

1 p. *Enclosed,*

157. i. Petition of Wm. Lord Craven an Infant by Sir Fullwar
 Skipwith to the Lords Justices. Prays to be heard
 touching his title to the Bahama Islands, surrendered
 to H.M. by several persons during his infancy. 28th
 Oct., 1717. *etc.* *Signed,* Craven, Fulwar Skipwith.
Copy. 2 pp. [C.O. 23, 1. Nos. 24, 24. i.]

July 21. **158.** Council of Trade and Plantations to Governor Philipps.

Whitehall. *Acknowledge* letters of 3rd Nov. 1719, and 3rd Jan. and 26th
 Feb. 1720. We are very sory to perceive, that you have been
 detained so long in New England, because we are perswaded
 your presence at Annapolis would have put things on a better

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foot, particularly with relation to the French at Cape Breton and their fishing at Cançeau, tho' we hope there is no foundation for ye report of their threatning to seize any of ye King's ships, that shall be on that station. However we shall lay before the Lords Justices the account you give us of their fishery at Cançeau, and the behaviour of the French inhabitants at Minis and Shekenecto for their directions therein. As also what you write in relation to your not making grants of land before a survey be made of the country, and shall propose that a Surveyor be immediately sent to you for that purpose, and shall not fail to give you timely notice when their Excellencies pleasure shall be declared therein. In ye meanwhile it will be proper for them to adhere very closely to your Instructions on this as well as all other heads. We shall in like manner represent your proposal for removing three companies from Placentia to Annapolis Royal, with our opinion of the expediency of it, as also the necessity of raising a small fort at Minas to keep the French in awe, in case it should be thought expedient to let them continue there. We hear the Lords of ye Admiralty have ordered a sloop, which we hope will answer what Col. Doucet desires. And the Lords of the Treasury have, as we are informed, given directions concerning presents for the Indians. We observe what you write in relation to the old patents granted for land between New England and Nova Scotia; But as those lands are not within the bounds of your Government; we need say nothing to you thereupon; but in case you should find any grants or patents for land in Nova Scotia, you are to give us a particular account of them but not to confirm ye same, till H.M. pleasure be known. And this will serve for an answer to what you write on the representn. of the inhabitants of Mary Town. The boundaries between your Governmt. and the French are not yet settled with the Court of France. But we understand them to be as follows. All the lands and islands lying within the limits following vitz. From the mouth of the river St. Croix (in or near the Bay of Fundy) up that river northward, and from thence by land to the head of ye river Moy (that runs into ye great River St. Lawrence) thence down the said Rivers of Moy and St. Lawrence to Cape Roas, and thence southwardly thro' the Gut of Canço, and from thence southwesterly to Cape Sables, and from thence up to the sd. River of St. Croix. [C.O. 218, 1. pp. 464-467.]

July 22. 159. Mr. Burchett to Mr. Popple. Encloses following
Admiralty Office. for the information of the Council of Trade and Plantations.
Signed, J. Burchett. Endorsed, Recd. 25th July, Read 4th Aug. 1720. 1 p. Enclosed,

159. i. Lieut. Governor Wentworth to Mr. Burchett. New Hampshire, 30th May, 1720. Mr. Bridger has laid several complaints before me this winter, in relation

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to the destruction of H.M. woods, notwithstanding the care taken, not only by him, but also by this Government, indeed I must impute a great deal of it to the new officer's not coming *etc.* In spite of the Surveyor General's forbidding men's going into the woods to cut trees without his warrants, many have adventured to do it *etc.* On 6th inst. he apply'd to me for a guard, which I immediately granted. He wth. the Sheriff under that guard went into the country, and there did secure 16 masts, which he assures me were cut without the Royal licence, or the Surveyor's warrant. I am humbly of opinion that there should be an example made *etc.* Signed, Jno. Wentworth. *Copy.* 2 pp.

159. ii. Mr. Bridger to Mr. Burchett. Portsmouth, May 1st, 1720. The persons who cut the trees I siezed (*v. preceding*) made complaint to Governor Shute, who ordered Lt. Governor Wentworth to hear them. They answered by a former warrant of 1718, for 136 trees, which by the express words of my warrant were to be cut down that season *etc.* Prays for consideration of his services and sufferings *etc.* Signed, J. Bridger. *Copy.* 3 $\frac{3}{4}$ pp. [C.O. 5, 867. Nos. 70, 70. i., ii.]

July 22. 160. Mr. Delafaye to the Council of Trade and Plantations. Whitehall. The Lords Justices direct that you send to Mr. Attorney and Sollicitor General as soon as possible information relating to Lord Craven's claim *etc.* Signed, Ch. Delafaye. Endorsed, Recd. 23rd. Read 25th July, 1720. 1 p. [C.O. 23, 1. No. 25.]

July 25. 161. Council of Trade and Plantations to the Lords Justices. Representation upon Lord Craven's petition, 20th July. Refer to grant of the Bahama Islands, 1670, and address of the House of Lords, March 1705, for resuming them to the Crown, and Representations thereon *etc.* (*v. C.S.P. 1706, Nos. 327, 328, 336. i., ii., 362, 375, 993. i.*) The latter representation, June 17, 1708, was by H.M. Order in Council referred to Mr. Sollicitor General for his opinion, but his report being to H.M. in Council, we do not find any entry of it in our Books, nor do we know what further proceedings were had in Council or elsewhere upon this subject; However we have been informed that Holden did not go Governor (*v. C.S.P. 1708. No. 993. i.*). Refer to proceedings in 1709, and "nothing having been done thereupon," to Representations of 14th Dec., 1715 and 10th March, 1716. *q.v.* Since which time nothing has been transacted at our Board till 28th Oct., 1717, when four of the Proprietors surrender'd their rights. Quote Attorney General's opinion upon that transaction, *v. 10th Dec. 1717 etc.* Upon which we take leave to observe that it is very

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clear from the reports of former Attorneys and Sollicitors General that had not this surrender been made the Proprietors by their long neglect in providing for the security of the said Islands and H.M. subjects inhabiting there had forfeited their right of Governmt. and that H.M. might legally provide both for the civil and military Govt. of those Islands, and we would submit to your Excellencies whether it may not be proper for H.M. Attorney and Sollr. to consider how far this forfeiture may likewise have affected the propriety of the soil. As to the Lord Craven's allegation that the legal right in and to all the powers and priviledges under the Letters Patents did legally vest in and come to the late Earl of Craven from and under whom the petitioners late father was, and the petitioner now is well entitul'd. This being a matter of law we shall only observe upon the two abovementioned Memorials, that the first was sign'd by the late Lord Craven in conjunction with the rest of the Proprietors, and that the last was sign'd also in conjunction with the rest by Sr. Fulwar Skipwith as guardian to the present Lord *etc.* We enclose three extracts from our books of transactions wherein the Lord Craven's ancestors under whom he claims, have acted in conjunction with the other Lords Proprietors of the Bahama Islands. *Annexed,*

161. i. Extract from Commission by the Lords Proprietors of the Bahama Islands to Governor Webb. 12th Nov., 1696.
161. ii. Representation by the Lords Proprietors of the Bahama Islands, C.S.P. 1700. No. 308. ii.
161. iii. Extract from Commission by the Lords Proprietors of the Bahama Islands to Governor Birch. C.S.P. 1702. No. 614. [C.O. 24, 1. pp. 36-47.]

July 25. **162.** Mr. Popple to Brigadier Hunter. Desires his opinion upon the petition of John Weisser *etc.* v. No. 155. i. [C.O. 5, 1124. p. 233; and 5, 1079. No. 119.]

July 26. **163.** Brigadier Hunter to the Council of Trade and Plantations. In reply to preceding, repeats former accounts of settlement of Palatines *etc.* *Set out*, N.Y. Col. Docs. V. 552; Doc. Hist. N.Y. III. 422. *Signed*, Ro. Hunter. *Endorsed*, Recd. 26th July. Read 2nd Aug., 1720. $2\frac{1}{4}$ pp. [C.O. 5, 1052. ff. 26-27v.]

[**July 28.**] **164.** Case of the Germans in New York. Petition the Council of Trade and Plantations for a favourable report (v. 20th July). Recount events since 1709. Many of the statements are marked "not true," "utterly false" *etc.* (? by Brigadier Hunter). *Set out*, N.Y. Col. Docs. V. 553. *Endorsed*, Recd. 28th July. Read 2nd Aug., 1720. $2\frac{1}{2}$ pp. [C.O. 5, 1052. ff. 24-25v.]

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- July 28.** **165.** Council of Trade and Plantations to the Lords Justices.
Whitehall. *Refer to their application to the Lord Chamberlain for two additional rooms (v. C.S.P. Jan. 9th, 1718). Continue:* But nothing having hitherto been done thereupon, and the inconvenience dayly encreasing with the number of our papers, we would intreat your Excellencys to give the necessary orders for the said additionall building to be made whilst the season is so proper for that purpose. [C.O. 389, 37. pp. 185, 186.]

- July 28.** **166.** Warrant granted by the Lords Justices granting leave of absence for a further two years, to John Cornelius, Naval Officer in Barbados. *Signed, Ch. Delafaye. Copy.* [C.O. 324, 34. pp. 12, 13.]

- July 28.** **167.** Governor Rogers to the Council of Trade and Plantations. *Nassau on Providence.* Having none of your Lordships commands nor no news from home for above this twelve month past save reports from the Colonys around us not to be rely'd on and being as I fully acquainted your Lordships in my last and to the Right Honble. Mr. Seery. Craggs extreamly reduced and unable to support myself and garrison, I did not designe to trouble your bord farther till we knew our fate had not an unprecedeted passage happened on the 10th inst. at night from Capt. Wingate Gale the Commander to our guardship who has the garrison's magazine abord etc. He then disobey'd my commands and stood in opposition to my officers yt. I sent for him, till I was driven to apprehend him myself by force to prevent the mischevious consequence of his ill example, or his raising a mutiny agt. me wch. I had then too many reasons to apprehend because he had abettors. I ordered him all night into close confinment. and the next morning called a Council and on his giveing security for his future good behaviour I discharg'd him out of custody and from his farther attendance at the Council without entring into any debate here according to the 10th Article of the Govr. of Jamaica's Instructions to wch. on this occasion I am referr'd. I did this to prevent any partys or misunderstandings wth. one or two of the Council who was his abettors and might have fomented further differences he had often before this been too backward in his duty etc. and too dilatory and slighting to my order for H.M. service. *Refers to affidavits sent to Mr. Geo. Bamfield, etc. Continues:* I hope that I have leave of absence and a supply very near us wch. is all that we have to rely on for we want provisions and cloathing and I cannot purchase it here till we hear farther from home and unless we have good recruits wth. a ship of war station'd here on purpose or a larger garrison and better supplied wth. orders to fit out after any pirates yt. may shelter in these parts we may expect as it's peace there will be more then ever the vast detriment if not destruction of ye American trade. I have divided and distributed all ye loose people wee had here amongst ye vessels

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yt left us after the embargoe to make them honest if possible but Capts. Porter and Fox has left us since wth. about 60 men and I hear are gone under a copy of a New York Commission from Govr. Hunter because I was resolv'd to give no more till I was better satisfied whether 'twas war or peace ; I wish they may do no mischief for they began very suspiciously by lying near us and stealing as many men as they could from the shore yt. were not permitted to depart these Islands. Though I have had ye loosest people in America to deal wth. all during ye war yet I hope your Lordships will have as good accot. of our transactions as any of our neighbours, for I have not yet heard of any complaint agt. all that I have commission'd etc. *Signed,* Woodes Rogers. *Endorsed,* Reed. 13th Oct. 1720. Read 27th June, 1721. 4 pp. *Enclosed,*

- 167. i. Deposition of Lt. Ockold, in the Independant Company in Fort Nassau, 19th July, 1720. On 10th July about 9 at night the centinel at the eastermost bastion challenged a boat going from the shore at least fifteen times, who returning no answer, the Governor ordered him to fire, which he did twice before they answered the *Delicia*. Refusing the Governor's orders to come ashore, they hastened on board the *Delicia*. The Governor summoned Capt. Gale to come ashore, but he refused to do so, or to submit to the Marshall's warrant. At length the Governor went aboard with 12 soldiers and brought him off, etc. *Signed,* Thos. Ockold. 1 p.
- 167. ii. Deposition of Lt. Robinson, 19th July, 1720. Confirms preceding and adds that Capt. Gale armed his men to resist the soldiers coming on board, and when the Governor arrived presented a pistol at him, but was disarmed and taken by force etc. *Signed,* Thos. Robinson. $\frac{3}{4}$ p.
- 167. iii. Deposition of Edward Fenner and six others of the crew of the *Delicia* denying that the crew or Capt. Gale were in arms as stated in preceding. 27th July, 1720. *Signed,* Edward Fenner and six others. $\frac{3}{4}$ p.
- 167. iv. Deposition of Edward Fenner and Isaac Wright that Capt. Gale offered no resistance until Governor Rogers called him a rascal and struck him with his pistoll upon the head, when he seized a pistol etc. 22nd July, 1720. *Signed,* Edward Fenner, Isaac Wright. 1 p.
- 167. v. Copy of Governor Rogers' warrant to John Bossard, Marshal, for the arrest of Capt. Gale. 10th July, 1720. 1 p.
- 167. vi. vii. Examinations and depositions of Edward Knight and 15 other soldiers, generally denying Nos. iii. and iv. 27th and 28th July, 1715. *Signed,* Edward Knight and 15 others. 4 pp.

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167. viii. Copy of Governor Rogers' commitment of Capt. Gale for conduct tending to mutiny, etc. 10th July, 1720. 1 p.
167. ix. Deposition of Lt. John Howell as to Capt. Gale's refusing to obey the warrant No. v., and his scuffle with the Governor etc. 19th July, 1720. *Signed*, John Howell. 1 p. *The whole endorsed*, Recd. 13th Oct. 1720. Read 27th June, 1721. [C.O. 23, 1. Nos. 34, 34. i.-ix.]

July 29. 168. Council of Trade and Plantations to the Lords Justices.

Whitehall

Upon Governor Philipps' letter of Jan. 3rd, recommend that orders be given to H.M. Surveyor in those parts forthwith to make a full and perfect survey of Nova Scotia, or at least to mark out and set apart large tracts of land in proper places there, adjacent to the sea or to the banks of navigable rivers, to be reserved for the preservation of timber for the use of the Royal Navy. After which the Govr. will be at liberty according to the tenor of his present Instructions to make grants of small parcels of land etc., which we conceive would be the most speedy, effectual and advantageous way to people that Colony. We are the rather induced to offer this matter at present to your Excellency's consideration, because of ye very bad state Nova Scotia is in, where there are very few or no inhabitants except the garrison of Annapolis to be depended, and that but a very weak one: For the French who were permitted to stay there under certain conditions by the Treaty of Utrecht being influenced by their priests are far from submitting to H.M. Governmt. and according to our last letters from those parts have hitherto refused to take the oaths of allegiance to H.M., still reputing themselves subjects of France, carrying on a trade with the French destructive to the British intrest. Col. Philips likewise complains that contrary to the Treaty of Utrecht, the French at Cape Breton protected by soldiers continue their fishery at Canço, the best place for catching fish in all H.M. Dominions, which being an infraction of the said Treaty we humbly offer that your Excellency's pleasure may be signify'd to H.M. Minister at the Court of France and to Mr. Pulteney one of H.M. Commissaries there, that they endeavor to get an order from that Court, requiring their subjects in the strictest manner at Cape Breton to confine themselves in their fishery to ye limits mentioned in the said Treaty. Considering therefore the very ill state of this Colony we cannot but agree with Col. Philips' request in proposing to your Excellencies, that three more companies of his regiment now quartered at Placentia may be removed without loss of time to Annapolis, after which there will still remain two companies at Placentia, which we conceive may be sufficient for that Garrison in time of peace. [C.O. 218, 1. pp. 467-476.]

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Aug. 2. **169.** Rev. W. Gordon to the Council of Trade and Plantations. At ye last Court of Grand Sessions in Barbadoes there were very extraordinary proceedings against me and my friends, in our absence, and several bills of indictment prefer'd and found. Application was made in our behalf to ye Clerc of ye Crown for copies of all ye proceedings, whch. being matters of record he could not justify ye refusal of, but he did the same in effect, by demanding £157*l.* 10*s.* 0*d.* as fees for ye copies, whch. my Attorneys there did not think proper to give *etc.* *Prays* to be allowed to take copies from the copy transmitted to the Board, in order to apply to H.M. for redress. *Signed,* W. Gordon. *Endorsed,* Recd. Read 2nd Aug., 1720. 1 *p.* [C.O. 28, 15. No. 96.]

Aug. 2.
Councill
Chamber,
Whitehall.

170. Order of Lords Justices in Council. Upon hearing the claim of William Lord Craven (*v.* July 20) and Mr. Attorney General on behalf of the Crown, ordered that Sir Robt. Raymond H.M. Attorney General do forthwith bring a seire facias for the vacating the Letters Patents made by King Charles II to the Proprietors of the Bahama Islands, and for resuming the same into the Crown, pursuant to the Address of the House of Peers in 1705. *Signed,* Edward Southwell. *Endorsed,* Recd. Read 11th Jan., 1721. 2 *pp.* [C.O. 23, 1. No. 28.]

Aug. 2.
Whitehall.

171. Mr. Delafaye to the Council of Trade and Plantations. The Lords Justices remind you of the state of H.M. Plantations, which, when you attended their Exceys. 19th July, you were directed to lay before them. Their Exceys. upon your Representation praying for an additional two rooms, *etc. etc.* (*v.* 28th July) direct that you should apply to my Lord Chamberlain that he may write to my Lord Stanhope for H.M. Orders. *etc.* They command me to write to Sr. Robert Sutton and to Mr. Pulteney to solicit the French Court for an order to their subjects to confine their Fishery to the limits prescribed by the Treaty at Utrecht : and also to signify their Exceys. pleasure to the Secretary at War that he take care of dispatching the proper orders for removing three Companys of Col. Philips' Regiment from Placentia to Annapolis Royal. *Signed,* Ch. Delafaye. *Endorsed,* Recd. Read Aug. 3rd, 1720. 1½ *pp.* [C.O. 323, 8. No. 12.]

Aug. 4.
Whitehall.

172. Council of Trade and Plantations to the Duke of Newcastle. *Refer to* their application to the Lords Justices 28th July. *Continue:*—We have received their Excellencies orders to apply to your Grace, that you may write to my Lord Stanhope and desire him to obtain H.M. orders for building two additional rooms to our Office *etc.* *v.* C.S.P. 9th Jan., 1718. [C.O. 389, 37. pp. 186, 187.]

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Aug. 4. **173.** Mr. Stanhope to Mr. Delafaye. Mr. Walpole, the Auditor of the Plantations, having represented to my Lords of the Treasury the arbitrary proceedings of the Assembly of New York in taking into their owne hands the sole management of the Revenues raysed for the support of H.M. Civil Government and entirely excluding the Officers of the Crown from any concerne therein contrary to antient practise and in defiance of H.M. prerogative their Lordships desire the said Representation to be laid before the Lords Justices for their orders etc. *Signed*, C. Stanhope. *Addressed*. 1 p. [C.O. 5, 1085. No. 29.]

Aug. 4. **174.** Council of Trade and Plantations to the Lords Justices. Governor Shute having informed us (v. 9th Sept., 17th Dec. 1719) that Monsr. Vaudrevil Governor of Canada has refused to restore several of our captives etc., we humbly offer that H.M. Ministers at the Court of France be directed to complain of this infraction of the Treaty of Utrecht and to require an order for their immediate releasement. [C.O. 5, 915. p. 313.]

Aug. 4. **175.** Council of Trade and Plantations to Mr. Delafaye. *Reply to Aug. 2.* We have made some progress in the draft of a Representation, etc. By reason of the multiplicity of books and papers the same is drawn from, it will necessarily take some time etc. [C.O. 324, 10. p. 282.]

Aug. 6. **176.** Governor Philipps to Mr. Popple. *Acknowledges* letter of 26th Aug. last, "with instructions for raiseing hemp and makeing tarr etc., which I shall take care to promote when the circumstances of this Province will admit thereof." *Signed*, R. Phillips. *Endorsed*, Reed. 26th Nov. 1720. 1 p. [C.O. 217, 3. No. 14; and 218, 1. p. 486.]

[? Aug. 6.] **177.** Governor Philipps to the Council of Trade and Plantations. As there are not frequent opportunities of correspondence between this place and Great Brittain, I am carefull to make use of such as offer to acquaint your Lordships with the posture of affaires in this Province. Matters continue here in the same situation, in regard to the French inhabitants, who seem yet undetermined which party to choose, tho' if left to themselves would certainly embrace that of enjoyeing their possessions, by becomming subjects to Great Brittain, but the neighbouring French Governors, finding that these people will no longer be serviceable to their interest after sweareing allegiance; and judging (too well) of the consequence of wanting such a number of hands, to strengthen and improve their Collonys are makeing use of all stratagems to draw them to their party, to this end the priests are all assembled at Minas to be nearer to Cape Breton, where their great Council is held, between which places they are continually passing and repassing,

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from whence they disperse false pacquetts, and insinuations among the people, as fast as they can be coyn'd. Among other things they are told that the promise made them of injoying their religion is but a chimera, and what they must not depend on, for they will quickly be reduced to the same state with H.M. Popish subjects in Ireland and their priests denied them ; I indeavour all I can to undeceive them, but scarce hope to find more credit with them than their priests. If these prevaile, here will be a great many fine possessions become vacant. I beleive it would not be difficult to draw as many people almost from New England, as would supply their room, if it wear not robbing a neighbouring Collony, and perhaps not gaining much by the exchange, therefore hope there are schemes forming at home to settle this Colony with British subjects in the spring, before which time these inhabitants do not think of moveing, haveing the benefit of the inlargement of time I granted untill such time I shall receive your Lordships farther commands : What is to be apprehended in the resetting these farms is disturbance from the Indians who do not like to hear of the French goeing off and will not want prompting unto mischief. *Encloses following.* The convention therein mentioned, was an affair transacted by General Nicholson, who can give the best account thereof ; and how far H.M. stands obliged to make good at this time of day, what should have been executed seven yeares agoe according to that Treaty. The want of the presents which I have expected for the Indians, has made me delay speaking with them hitherto, but finding it no longer adviseable to deferr that matter (upon information that the discontented French are daily practising to possess them with notions of some ill designs formed by the Government against them) have sent an express over the Bay (where the most considerable of them keep) to assemble their Chiefs with whom I shall indeavour to settle a peaceable, and friendly corrispondence, but I am sorry to find the French have so well made their advantage of our neglect of this countrey, that their Government prevailes both among the inhabitants and natives, and the Kings authority (which is confined within this fort, for want of meanes to extend, and diffuse it's influence over the several inhabited parts) is in a manner despised, and ridiculed ; This I have the mortification to experience almost every day in many respects, perticularly by letters that have fallen into my hands from some principall officers of Cape Bretton, wherein the people addressed to, are told, that they may for forme sake, apply to me, but in case I do not grant their request, they may follow their own inclination. These things (with submission) require speedy and effectuall redress, that H.M. authority may be better maintained and supported within this Province. Nothing shall be wanting on my part towards doeing my duty, but whilst I am shut up within this garrison, without the necessary con-

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veniency of lookeing abroad, the people of Minas and Chignecto know very well they are out of my power and in spite of anything I can doe to obstruct carry on a clandestine trade with Cape Breton, which they supply yearly with corn and cattle in exchange for the woollen and linnen manufactures of France. These practices may in a great measure be prevented and the people kept in better obedience, if I might be permitted to hire and arm a sloop, with some troops of the Garrison, when occasion requires to visit the settlements, and observe their actions the charge of which will be inconsiderable compared with that of a station ship which will cost the Government three or four thousand pounds pr. annum, and this not more than £400, one year with another, and that service every [?way] answered ; And if I durst propose what I think farther necessary towards the retrieving the affaires of this Province and settling it with safety, it would be the addition of 100 men, this Garrison being too small to supply all dutys, that may be required in the several services of this Goverment in its present scittuation. I have wrote to the Governor of Quebec (according to my instructions) to propose his sending Commissioners in conjunction with those who shall be appointed on the part of H.M. for settling the boundaryes of the Province, but have not yet received his answer. As to the trade of this country (to which I have not yett had time to speake) it is intirely hitherto in favour of Boston, consisting in fish, furrs, feathers and oyle ; Of the first there is not less than 80 or 100,000 quintalls catched a season by the vessels of New England, which they carry to all the markets of Portugal the Mediterranean and West Indies ; the furr trade is carryed on by four or five sloops who make three voyages in the yeare, bringing with mostly West Indie commodityes, and provissons of New England with some European goods, all which they put off here sometimes at 4 or 500 pr. cent. and carry away by computation 9 or £10,000 worth of furrs yearly, without paying the least duty or import towards the support of this Goverment, which is without any settled fund, to bear the necessary contingencys thereof, which must fall a charge upon the Goverment at home, while those people reap all the proffit ; there is likewise in the upper part of the Bay a very good coal mine, which the people of Boston fetch at their pleasure not only without paying any acknowledgement to the Lord of the Mannor (His Majesty) but without the good manners to ask his leave. By the next I shall have the honour to transmit the Minutes of Council with the several orders thereupon, which hitherto have not been very materiall. If I am too circumstantiall in my account of matters, it is from a desire of informing your Lordships of the true state of this H.M. Province, that proper measures may be taken in every case

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toward settling and secureing this countrey under H.M. obedience. R. Philipps. *Endorsed*, Recd. 20th Nov., Read 1st Dec. 1720. *Undated*. 10 $\frac{3}{4}$ pp. *Enclosed*,

177. i. Governor St. Ovide de Brouillan to Governor Philipps. Louisbourg, 8th June (N.S.), 1720. I profit by the return of Father Justinien to congratulate you on your safe arrival and to thank you for your letter and good faith *etc.* I shall give all my care to maintain with you the union of the two Nations *etc.* As to the savages, I have always inclined them to peace and quiet; I do not know up to the present that they have contravened it *etc.* Father Justinien informs me of the precise orders which you have given to the inhabitants of Nova Scotia to take the oath or withdraw, that is apparently those whom you mean by the natives of the country of whom you speak to me in your letter; I have tried no less when occasion served to inspire in them a spirit of tranquility to the best of my power, but, Sir, however just may be the resolution you have taken to determine them in consequence of the express orders of the King your Master, you will allow me to represent to you that the inaction in which these people have remained up to the present, neither can nor ought to be imputed as a crime to them, both on account of the lack of the essential aid for their transmigration and on account of the obstacles put in their way by the Governors who have preceded you. I cannot refrain, Sir, from declaring to you that the two clauses of your Proclamation which relate to the term and the circumstances of their evacuation appear to me to be scarcely in accordance with the assurances of good will which they had from the Court of England above all after a Treaty and a Convention of good faith between the late Queen and King Louis XIV, a Treaty which has been executed in its entirety by France and in part by England. You are aware Sir, that by this Convention the fate of the inhabitants of Nova Scotia was and should be the same as that of the inhabitants of Placentia, nothing could exceed the graciousness and good faith with which that evacuation was carried out, and I shall have the honour to represent to you that nothing could be harder than the extremity or rather the impossibility to which these poor people would be reduced if you refused to relax in any degree the limit of time you have allowed them and the manner of their departure which you exact, *etc.* Signed, St. Ovide de Brouillan. *Endorsed*, Recd. 26th Nov. Read 1st Dec. 1720. *French*.

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$3\frac{3}{4}$ pp. [C.O. 217, 3. Nos. 15, 15.i.; and (without enclosure) 218, 1. pp. 486-493; and (abstract of letter) 217, 30. pp. 10, 11.]

Aug. 8. **178.** Lt. Governor Hart to the Council of Trade and Plantations.
 London. Your letters of 7th and 26th Aug., 1719 did not come to my hands untill 28th April, which I instantly communicated to the Council. *Refers to* their proceedings thereon (No. i). As to the Boundaries of Maryland, his account must be imperfect, being done at a great distance from the place *etc.* *Continues:* There yet remains of that Province uncultivated a vast tract of land, from the falls of Pattowmeck, to the first fountains of that river (which was never yet discover'd) to the 40th degree of Northern Latitude, the limitts prescrib'd by the Lord Baltimore's Charter. This tract, by the report of the Indn. traders, and of the natives who dwell on it, is of much greater extent, and a more promising soil, than what is now inhabitted in Maryland ; tho' for rich and fruitful land, fine prospects, stately and useful trees, and numbers of capacious, safe and beautiful rivers, it yields to none in North America. I have, during my Government always preserv'd a good understanding with the neighbor Indians : and it is principally from their intelligence, I have the information I now offer *etc.* About 30 miles from the falls of Pattowmeck, is a remarkable high mountain, from its figure called the Sugar Loaf, which is part of that ridge of mountain that rises to the southward of Carolina, and extends to the River St. Lawrence in Canada, on the back of all, and in many places approaches very near the British Plantations. The River Pattowmeck, which is 200 miles navigable for the Royal Navy, runs from the South, and has its course most North, within a few miles of the Sugar-loaf Mountain ; near which is another large River, whose course is directly south, and is said to be a considerable branch of the Missisipi : Now it is observ'd both by the traders and Indians, that all the rivers, branches and springs, on the confines of Virginia and Maryland, whose current tends nor'ward fall into Pattowmeck : on the other side all rivers *etc.* that tend southward empty themselves into Missisipi. On my enquiring of the Indians, how far it was to the great River (for they know Missisipi by no other name) from the falls of Pattowmeck, they answered, six suns, that is, six days march which computed at 30 miles in a day, makes 180. Again I demanded how far it was from the falls to the great northern lakes ; they reply'd eight s[uns], that is 240 miles. These Lakes are the known [fountains] of the Missisipi to the southward, and of St. La[wrence] to the nor'ward. This account of the Indians, I find agreeable to the dis[cription] given me by those who trade with them from [other] parts of ye Plantations ; and has a better confirm[ation] from what Colonel Spotswood, H.M. Lt. Governor of Virginia, imparted

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to me in March past, that the French traders had advanced so far from [their] new settlements on Mississipi, as to attempt the carr[ying] over to their interest, several Indian Nations in [?alliance] with Virginia; But that those Nations had rejected [their] offers, and given him assurance, they wou'd not relin[quish] their antient friendship with the English. Your Lordsp's. may please to observe that Maryland [is in] the center of the Plantations, and that Virginia [is] only next door to it. The French never make settlements abroad, but [they] immediately erect forts for their security (the wa[nt] of which in my humble opinion, is a great defect in our Colonies) and it is reported on all hands they [have] strongly fortified themselves, at convenient distan[ces] both on Mississipi, and on the Lakes, to preserve communication with Quebec. By this intercou[rse] from the northern to the southern seas, the French will engross the valuable inland trade of furrs and [] also place a girdle on all the British C[olonies] which how heavy hereafter it may sit on [their] loins, is submitted to your Lordsp's. great wisdom and penetration by etc. *Signed, Jo. H[art]. Endorsed, Recd.* Read 9th Aug., 1720. 3 pp. Enclosed,

178. i. Copy of Minutes of Council of Maryland, showing their proceedings in obedience to instructions of 7th and 26th Aug., 1719, for the furthering of the making of pitch and tar etc. and of a proclamation, 29th April 1720, advertising the clause in the Act *against the clandestine running of uncustomed goods* and requiring a more strict examination thereof etc. Annapolis, 28th April, 1720. *Same endorsement.* 11 $\frac{3}{4}$ pp. [C.O. 5, 717. Nos. 83, 83.i.]

Aug. 9. **179.** Mr. Burchett to Mr. Popple. My Lords Commrs. of Admiralty the Admty. desire you will lay the enclosed before the Lords Office. Commrs. for Trade etc. *Signed, J. Burchett. Endorsed, Recd.* 11th Aug. 1720. Read 5th July, 1722. Addressed. 1 p. Enclosed,

179. i. Mr. Bridger to Mr. Burchett. Portsmouth, 25th June, 1720. More than 400 pine trees have been cut here without licence, upon unappropriated lands etc. The Agent to Mr. Taylor agreed with people here to cut mast trees to load 6 ships, without giving me notice. I have the contract, and there are but 2 ships' loadings contracted for these years etc. Last week I prosecuted three persons (*v. 25th June supra*) etc.; and notwithstanding they confessed themselves to be the cutters, yet because I could not prove that those trees were cut upon unappropriated land, I was cast etc. So long as the owners probandi must lye upon the King,

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no officer will ever be able to prove a tree's being cutt, for the people are all of a party against the King etc. as 25th June supra. Signed, J. Bridger. Copy. 1½ pp. [C.O. 5, 868. ff. 270, 271, 271v, 273v.]

Aug. 9. 180. Mr. Delafaye to the Council of Trade and Plantations.
Whitehall. *Encloses following papers*, which may be of use in relation to the general state which you are directed to prepare of H.M. Plantations in America. The Lords Justices direct that if you observe anything in them that may require immediate orders to be given, you should forthwith represent the same to them. I am also ordered to transmit to your Lordships for your consideration the enclosed copy of a memorial from Mr. Horace Walpole Auditor of ye Plantations to the Lords Commissioners of the Treasury. *Remainder of letter refers to the French and English in Africa etc.* Signed, Ch. Delafaye. Endorsed, Recd. 12th, Read 15th Aug., 1720. 2 pp. Enclosed,

180. i. Governor Philipps to the Lords Justices. Annapolis Royall, May 26th, 1720. I arrived the middle of Aprill being the earliest season that sloops come upon this coast, etc. At my landing, I made a review of the garrison, and fortifications; the first of which I found compleat, and in very good condition, excepting a few old men, but the place in as bad state as is possible to describe, both within, and without with severall practicable breaches, so wide, that tenn men might enter a breast, which considering our present scittuation, with the French inhabitants, and Indians has obliged me contrary to the resolutions of the board of Ordnance, to direct the Engineer to make some necessary repairs on the works. The third day after my arrival here I was visited by the Priest of this district of Annapolis, at the head of 50 lusty young men, as if he meant to appear formidable, whom I received as civilly as possible, and after giving them assurances of H.M. favour, and protection, caused the priest to read to them one of the Proclamations I had prepared, according to my Instructions, and will (I hope) be found exactly conformable thereto (v. No. ii). I asked him afterward if he did not allow that H.M. condescension therein expressed did not exceed even the people's expectation, he answered that H.M. was very gracious, but that the people were not at liberty to swear allegiance, because in Generall Nicholson's time, they had sett their hands unanimously to an obligation of continuing subjects of France, and retiring to Cape Breton, and that for another reason that they were sure of having their throats cutt by the Indians, whenever they became English men,

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he was answered to both very fully, and the true interest of the people demonstrated but arguments prevaile little, without a power of enforcing, for the case is that they find themselves for severall years the only inhabitants of a large country except the small garrison of this place, which having been so much neglected they make noe account of, and began to think they had as much right as any other. They were indeed very much surprised, at the arrival of a Chiefe Governour which they never expected, often saying that person was not born, and therefore are getting out of his way as fast as they can, as you will find by the sequel, that so being once joined in a body, with the help of the Indians to favour their retreat, they can march off at their leisure, by the way of the Bay of Vert, with their effects, and destroy what they leave behind, without the danger of being molested by this Garrison, which scarce suffices to secure the Fort in its present condition. To return to my Journal, the next day I sent a proclamation up the River with a letter to the Priest to require him to assemble all his people, and to read it to them againe, and when they had considered well of it, to send me their answer, which they did much sooner than I expected (being I suppose determined, before hand) (*v. No. iii.*). Whilst these matters passed I made choice of the King's Councill (*v. No. iv.*), and after duly qualifying ourselves, according to law, by taking and subscribing the oaths required, and my Commission read, I acquainted them with what passed in relation to the French inhabitants of this River, and who expected my reply to their paper, upon which it was agreed, that a letter be wrote to order them to send six Deputys to represent the whole, with whom I would conferr (*v. No. v.*). I alsono acquainted the Councill that I intended the next day to send some of the Proclamations to the chiefe settlements, at Minas, and Chignecto, with a letter to each, which had their approbation (*No. vi.*). I had at this time information that the Priest of this River, absented himself the same night he sent me his letter, but supposing him not farr off, I wrote to him very civilly (*v. No. vii.*) I am told since he is gone to Menis to consult with his bretheren there (of mischief no doubt) as may be gathered from his letter. The Deputys of this River now presented themselves as required, and the Councill assembled, but two of the six being found improper persons to manage the intrest of the people, as having no possessions, or effects to loose, they were returned,

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with a second letter to the inhabitants to choose two of the most substantial persons in their stead. Tho' I had reason to expect nothing less from this procedure than a thankfull complyance, with what was demanded for their own good, instead thereof they tooke this occasion of shewing their contempt of H.M. Government by refusing to alter their first choice (*v. No. ix*), however I granted their request to send two persons to Cape Breton for advice in the measures they should take, being glad to make use of that opportunity of writing to the Governor (*v. No. x*). During these transactions they have on all sides been practising with the Indians who are intirely in their interest, to gett them to play their part, and to assert their native right to this country, in opposition to that of H.M., for which end I am told they are assembling. The Chiefe of this River Indians, who are but few and inconsiderable amongst the rest, has been with me accompanied with half a score others, and desired me to resolve him if the French were to leave the country whether the two Crownes, were in alliance, whether I intended to debarr them of their Religion, or disturb them in their traffick, to all which querys, I answered to satisfaction, and sent them away in good humour, promising they would be very peaceable while the Union lasted between the two Crownes; I must observe here that I have hitherto deferr'd sending for the Chiefs of the other Indians expecting every day the arrival of the presents I applyed for, and were preparing to be sent before I came from home, and can never be more serviceable then at this juncture. In the mean time have signified my intentions to them. This morning I had intelligence that the inhabitants of this River are hard at worke in opening a communication through the woods, to Minas (which was formerly a road) in order to retire thither with their cattle, and effects, and had sent to Minas that those people might doe the same on theire side, upon which (with the advice of the Councill) I dispatched an order to both places to stop them (*No. x*). At the same time arrived the Deputys from Minas, and a letter from theire body, with another from one of the King's Councill, by whom I had sent up the Proclamations, and was directed to make his best observations, of their behaviour and designes, which being read before the Councill the whole proceedings was then taken into consideration and it was agreed, that whereas my Instructions direct me to acquaint you with the effect of the Proclamation

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and that I have neither order nor power sufficient to drive these people out, nor prevent their doing what damages they please to their houses and possessions, and likewise for the sake of gaining time and keeping all things quiet till I shall have the honour of your farther commands in what manner to act, that it is most for H.M. service, to send home the deputys, with smooth words, and promise of enlargement of time, whilst I transmitt their case home and receive H.M. farther direction therein. Thus stands the present posture of affaires here in the course of which I hope my conduct may have the honour of your approbation, at least so farr, as I have not err'd from my Instructions, except in enlarging the time of evacuation, which was by advice of the King's Councill. I account it a misfortune that the beginning of my Government has afforded matter of trouble, and difficulty. It is a hard, and uneasy task (in my circumstances) to manage a people, who will neither believe nor hearken to reason (unless it comes out of the mouth of their priests), and at the same time to keep up the honour and dignity of Government. If they are permitted to remaine upon the footing they propose, it is very probable, they will be obedient to Government as long as the two Crownes continue in allyance, but in case of a rupture, will be so many enemys in our bosom and I cannot see any hopes, or likelyhood, of making them English, unless it was possible to procure these priests to be recalled, who are tooth and naile against the Regent, not sticking to say openly that it is his day now, but will be theirs anon, and having others sent in their stead, which (if any thing) may contribute in a little time to make some change in their sentiments, and give them opportunity of opening their eyes, which hitherto, are shutt even to their own interest; Like care must be taken to prevent the Governour of Cape Bretons carrying on his secret correspondence with them, and our Indians, to whom he yearly makes presents, to secure them in the French interest. As to the Indians all mischief that they are capable of acting is to be expected from them whenever the inhabitants are obliged to retire, many of whom will joyne them in disguise to disturb us in the building any fortifications, and as they are not a people that can be mett with in open field, I can advise no better expedient, than that the Government be at the charge, of taking 200 of the Mohoc Indians from New Yorke side into the service, which will be no great expence, who being

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a terror to these, and allways faithfull to the English, will in my humble opinion be of very good consequence, toward the settling this country. But all this I submitt to your better judgment. You will be pleased to observe that the lands at Minas, which afford great quantitys of wheat yearly, and the best farms as yett in the country, are liable to be all drowned by cutting a dike, which the inhabitants at going off, will not want ill nature to doe. It would be great pitty those farmes should want inhabitants when vacated by the French, and great inconveniency to the Garrison which they supply with plenty of fresh provision ; I have sent a paper to Newfoundland to be communicated to the people there to acquaint them with H.M. desire of their removing to this country by a sloop I sent express with some provisions for the Garrison of Placentia, being accidentally informed that no store ship was arrived there in the Fall, and that they were in apprehension of want, and made use of the same opportunity for drawing one company from thence, as a small reinforcement to this place, which I hope will meet with approbation. Whilst I am writing this, Deputy's from the inhabitants of this river, who had disobeyed command in the choice of their representatives, and were cutting the communication to Minas, are come with a submission, signed by the body (*enclosed*), so that I am not out of hopes, by keeping up the authority of Governmt. amongst them to bring them to obedience, they say they will oblige themselves to be good subjects in every respect, excepting that of taking up armes against the King of France, and I would humbly propose that if an oath were formed, for them to take, whereby they should oblige themselves, to take up armes, against the Indians if required, to live quietly and peacably in their houses, not to harbour nor give any manner of assistance to any of the King's enemys, to acknowledge H.M. right to these countrys, and pay obedience, to his Government, and to hold their lands of the King by a new tenure, instead of holding them as at present from the Lords of Mannors, who are now at Cape Breton, where at this day they pay their rent : How farr this may be thought sufficient to qualifie them as subjects to the Crowne of Great Brittan. I have but one thing more to offer, which is, that schemes might be sett on foot at home for settling the Eastern coast, which would soon putt this country in a condition of being (instead of a charge as it is now) the most beneficall Collony to Great Brittan

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- of any in America, *etc.* *Signed*, R. Philipps. *Endorsed*, Recd. 12th. Read 19th Aug., 1720. 10 pp. *Enclosed*,
180. ii. Proclamation by Governor Philipps. Annapolis Royal, 10th April, 1720: Although the French inhabitants of Nova Scotia have, by their obstinacy and neglect, allowed the time stipulated in the Treaty of Utrecht for their taking an oath of allegiance to H.M. or withdrawing from the country with their effects, H.M. in his great indulgence and favour grants them an extension of four months from this date to take the said oath, promising, to all those who shall conform thereto, the free exercise of their religion and that they shall enjoy civil rights and privileges as if they were English, so long as they shall behave like good and faithful subjects of H.M., and that their goods and possessions shall descend to their heirs. But it is positively forbidden to those who shall choose to leave the country to do any kind of damage to their houses or possessions, or to alienate, dispose of or carry away with them any of their effects, *etc.* *Endorsed*, Recd. 12th, Read 15th Aug., 1720. *Copy. French.* 1 p.
180. iii. Governor Philipps to Revd. Father Justinien Durand, Recollet. Annapolis Royal, 30th April, 1720. I command you to read *preceding* in full Assembly and thereafter to display it on the door of the Chapel *etc.* If you have anything to offer me on your part, I shall be very ready to agree to any reasonable demands *etc.* *Signed*, R. Philipps. *Endorsed as preceding.* *Copy. French.* 1 p.
180. iv. Father Justinien Durand to Governor Philipps. I assembled the inhabitants and read them the Proclamation (*No. ii.*) *etc.* *Encloses their reply.* I left them entirely at liberty to take whichever course they thought the most advantageous. If your Excellency does not think fit to grant what they ask of you, I beg you to permit me to withdraw to Isle Royale, in order that the troubles that may arise may not be imputed to me. I am and shall be very far from fomenting trouble *etc.* In a country like this, open to all who wish to plunder and maltreat them, the shortest way is to leave it at once when one has no longer any claim there, *etc.* *Signed*, Justinien Durand, Recollet indigne. *Same endorsement.* *Copy. French.* 1 p.
180. v. French Inhabitants of the River to Governor Philipps. We have assembled to reply to your Proclamation (*No. ii.*). It is notorious that we cannot take the oath to his Britannic Majesty without running a very

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certain risk of being slaughtered in our houses by the savages who threaten us every day. This, Sir, is why we cannot make any other oath than this, namely, to be faithful to King George, without being obliged to take arms against anyone. This we very humbly entreat you to be willing to accept, promising to keep it faithfully. Your Excellency will see plainly that it is the savages whom we fear, inasmuch as we are all ready to abandon all our wealth to save our lives, and if your Excellency cannot allow us to remain here upon this oath, we humbly beg you to allow a little more time to withdraw, it being almost impossible in so short a time, the country being bare of provisions by the sowing recently made *etc.*, and therefore we pray you to grant us the favour of carrying away the effects we have to support our lives, hoping that your Excellency will allow us to go to Isle Royal to ask for aid in withdrawing, it being impossible for us to withdraw by ourselves in so short a time, the greater part of us having no carts, we hope you will graciously allow those of us who have carts to withdraw with them, or to hire or buy them *etc.* *Signed*, Nicholas Lavigne and 135 other French inhabitants. *Same endorsement.*

Copy. French. 1½ pp.

180. vi. Names and qualifications of H.M. Council for Nova Scotia. (i) John Doucett, Lt. Governor, and a person of great worth, and honour. (ii) Lawrence Armstrong Major to the Regiment, and long acquainted with the affaires of this country. (iii) Paul Mascaransq, Chief Enginier, and a person of great prudence, and capacity. (iv) John Harrison, Chaplaine to the Garrison, of long standing. (v) Cyprian Southeck, a very honest man, often employ'd in the service of these countrys and of great benefitt to the Publick by his mapps, and draughts. (vi) Hibert Newton, Collector of H.M. Customes an honest person. (vii) Aurthur Savage, merchant, removed from Boston to settle here. (viii) John Adams, merchant, an inhabitant of long standing in this place and a man of sense. (ix) William Skeen, Surgeon to the Garrison, a gentleman of learning, and read in the Civil Law. (x) Peter Boudre, an English man, and inhabitant of this place reputed an honest man. (xi) William Sheriff, Commissary of the Musters. (xii) Guilliam Philipps, son to an eminent merchant of Boston. *Same endorsement. 1 p.*
180. vii. Governor Philipps to the French inhabitants of the River of Annapolis Royal and neighbourhood. Annapolis Royal, 30th April, 1720. *Commands them*

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- to send six representatives with full powers to treat with him on 4th May, concerning the Proclamation etc. (No. ii). *Signed*, R. Philipps. *Same endorsement. Copy.* 1 p.
180. viii. Governor Philipps to the Inhabitants of Minas. Annapolis Royal, April 28, 1720. (a) *Encloses* Proclamation and invites them to take the oath to H.M. *Concludes*: I await your reply by Father Felix and four deputies chosen by you etc. (b) Same to the Inhabitants of Chignecto. *As preceding, but concluding* :—As a token of my readiness to be of service to you, I have granted permission to the bearers of this letter to embark from Mines 50 barrels of grain to be sold amongst you for your subsistence, without being obliged to return first with it to this port, and according to your merits you will have other proofs of my good will. *Signed*, R. Philipps. *Same endorsement. French. Copy.* 2 pp.
180. ix. Governor Philipps to Father Durand. Annapolis Royal, 2nd May, 1720. I was very much surprised to learn that you had absented yourself from the head of the River without my leave. My design is to treat both you and the inhabitants with all kindness you could wish etc. Notwithstanding this proceeding on your part, I have a true esteem for your person and character, and you can have free access to me without fear, as I am ready to satisfy all reasonable demands, etc. *Signed*, R. Philipps. *Same endorsement. Copy. French.* 1 $\frac{3}{4}$ pp.
180. x. *Same* to the inhabitants of the River of Annapolis Royal and neighbourhood. Annapolis Royal, 7th May, 1720. Order to elect two deputies of standing and estate in placee of two of the six chosen but lacking in such qualifications. *Signed and endorsed as preceding. Copy. French.* 1 p.
180. xi. Inhabitants of Annapolis Royal to Governor Philipps. 14th May (N.S.), 1720. We have chosen six deputies to represent and act for us etc. *Signed*, J. Duan and 103 others. *Same endorsement. Copy. French.* 1 p.
180. xii. *Same to Same.* Annapolis Royal, 20th May, (N.S.) 1720. *Reply to No. x.* We cannot comply, since these are the most suitable deputies we can find etc. *Ask for* permission for two or three representatives to go to Isle Royale in order to consult the Governor there, etc. We cannot take the oath required, and must withdraw and send at once for carts etc. *Signed*, J. Duon and 109 others. *Same endorsement. Copy. French.* 3 pp.

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180. xiii. [? *Governor Philipps to ? Governor St. Ovide de Brouillan.*] Refers to previous letter and encloses copy of Proclamation. (No. ii.) Continues: As one could not reasonably expect anything but a peaceable submission to the forms prescribed, founded as they were on the Treaty etc., so H.M. cannot but be surprised to learn that, instead, they are now endeavouring to disturb the peace of this Government by intriguing with the savages to assemble on this occasion to uphold their birthright to this country, and I am informed that they may do it in tumultuous fashion, the fatal consequences of which in case any act of hostility is committed must inevitably tend to the confusion of those who are the promoters thereof: and it is very evident that the French inhabitants are these same persons, both by some expressions which they have let fall on this head, as that they hoped that we should separate good friends etc., and by some signs of contempt they have recently shown to my authority, and what gives me the more reason to suspect that there is some evil and rash design on foot, is the sudden departure of Father Justinien who never absented himself before without the knowledge and consent of the Governor. I have given them all the proofs of my good will and the mildness of my Government possible in the short time I have been amongst them. But as their priests have always taught them to regard themselves as subjects of France, and to observe the counsel and direction of the Governor of Isle Royale, they have now asked my permission to send deputies for your advice in this affair, to which I have the more readily assented because I do not doubt that you are fully informed of the intention of His Most Christian Majesty to maintain a close and inviolable alliance between the two Crowns, and that therefore you will not make any other use of the power and influence you have over this people than to persuade them to take the measures which will lead to their own good, and at the same time to preserve the peace and tranquility of these countries, and I cannot but think that whatever happens in this matter, whether good or ill, it will naturally be construed as the effect and consequence of your counsel, etc. Same endorsement. Copy. French. 2 pp.
180. xiv. Proclamation by Governor Philipps. Annapolis Royal, 18th May, 1720. Notwithstanding the favours and intentions of kindness of H.M. towards the French inhabitants of this Province which I have published in a Proclamation etc. (No. ii), and that I have since

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put into practice all possible measures for their welfare and interest, the said inhabitants have hitherto only replied to these demonstrations of goodwill by ingratitude, and above all by their extreme contempt and disobedience to what I had required of them, which was only for their own good present and future, as also by the enterprise which I am informed the inhabitants of this River have undertaken of cutting a communication across the woods to Les Mines, and sending to ask the inhabitants of the latter place to help by cutting their part, without asking my leave or even informing me thereof: which rash proceeding gives me good reason to believe that they have some evil designs on foot; either to bring by this communication a number of people to molest this H.M. garrison, or to carry off their effects and cattle from hence, and to set up a General Assembly at Les Mines, or Chinecqto, to keep themselves independent of H.M. and the Government. I therefore positively order and strictly command all persons whatsoever to desist at once from such enterprise, and if they disobey, I shall be obliged to regard this proceeding as an act of defiance to the authority of the King, and take such measures as I shall deem fit to preserve this H.M. Government and Province, and I order that no person leave his place of residence secretly and without my permission. *French.* 1 p.

180. xv. French inhabitants of Miniss to Governor Philipps. We have received your Excellency's orders, which were read to us in Assembly, and which we cannot accept for several reasons. You demand an oath of us, which would expose us and our families to the fury of the savages, who daily threaten us and watch all our actions and steps to see if we do anything contrary to the oath taken in the presence of General Nicholson and two officers of Isle Royale, an oath which has been communicated to the Court of England as well as that of France, and from which it is difficult to free ourselves, and if we did not keep our word to our invincible Monarch, we could only expect punishment at the menacing hands of the savages. However, Sir, we engage ourselves to keep the same faith as we have hitherto done, and will do no act of hostility against any right of H.M. so long as we shall be on his territory. You tax us with having remained upon our property more than the year stipulated by the articles of peace. It has been impossible to do otherwise for several reasons, and since we have been allowed to sell our property and

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moveables, we have not been able to find any merchant to buy them. So that the privilege granted to us has proved useless. So too with that which was granted by a letter of Her late Majesty, Queen Anne, the appraisement of our property by Commissioners, and payment of the amount, as was done at the evacuation of Placentia, and other places etc. *Signed, Claude Codrot, and 178 others. Same endorsement. Copy. French. 2 pp.*

180. xvi. John Adams to Governor Philipps. Grand Prez, Minis, 14th May, 1720. Your Excellency's Proclamation sent pr. Mr. Blin was published here etc. The people in general here seem to be much concerned, loath to leave their habitations, and estates their ancestors left them, and afraid to stay and possess them under the nomination of English, to have their throats cutt by the Indians, most of them notwithstanding flatter themselves whith hopes that your Excellency will please to extend your pitty, and compasion to them, their wives, and little ones and not force them away they know not where, because they dare not take the oath of allegiance etc. *as preceding.* They say they were in hopes to reap some benefit from H.M. letter whereby they had leave to sell their moveables, and imoveables, if they went off, which they are forbid to doe by H.E.'s Proclamation. Several desired me to represent these their grievances to you etc. The Father Justinien staid a few days here and went to Checunectook in order to goe to Cape Breton, in some discourse I had with Father Felix yesterday he excused himself that he could not waite on the General, at this time, there was a sick person, of whom he must recieve confession, and that part of his parish at Pigigit had not *fait leurs* Pasque, but the Father Justinien would bring an officer of distinction with him from Cape Bretton, who would assemble all the inhabitants here, and goe with them, and he would take that opportunity to waite on the Generall with them, he praised the constancy of the inhabitants, who (as he said) declared when they were assembled they would doe no other wise, than what they did, when the two French Officers, were here in General Nicholson's time, that he and they would all goe away together, to the Island St. John's, under the French King's Dominions, he found great fault with the Proclamation, that the word Public was not inserted to exercise of religion, that by that was meant only in their owne houses as in England and Ireland and that clause only put there to amuse the people. The

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Indians also, are very busiy on this occasion going from place to place, to inform one another, they have robed a challop at Cobagit of 30 or £40 worth of goods that four French men had bought of Mr. Blin, and carried there to trade. I hear it whispered among the French that all the Indians, farr, and near are expected here in a month's time, and by the hints they gave you may have an army of French this summer at Annapolis, whether in a hostile manner or noe I know not. I met with the Chiefe of the Indians at Checunectook here with several others his followers, to whom I delivered the message your Excellency was pleased to charge me with, he seemed well pleased, but said the English were very dilatory, in settling affaires with them but they were ready to come to a good agreement, whith the English, when you pleased to appoint them to come, etc. It is my humble opinion it would be for H.M. service, and the more speedy settlement of this Collony, if the French inhabitants might be permitted to stay on such conditions, as your Excellency might think expedient, that strict regard be had to H.M. letter containing them, and that a speedy accommodation, be made with the Indians etc. Subscribed, H. E. recd. this 18th and read in Council 19th May. Signed, J. Adams. Same endorsement. Copy. 3½ pp.

180. xvii. French inhabitants of Annapolis River to Governor Philipps. *Pray* H.E.'s forgiveness in the matter of electing deputies (No. xii) and the communication road to Les Mines (No. xiv) etc. "We had no evil intention, but merely to make this, the only road, in case we had to evacuate the country without carts etc. We hope our future behaviour will prove our good faith" etc. Present two new deputies, Abrant (= Abraham) Bourg and Jairmant Savoy, chosen in place of the two rejected (No. x.) 33 signatures and 67 marks. Same endorsement. French. 3 pp.
180. xviii. Giles Hall, John Henshaw etc. to Governor Philipps. The interest we have engaged in the Fishery for these three years past, on the Island called Cape Cansor, within the limits of your Excellency's Government, makes us presume to congratulate your Excellency upon your safe arrival etc. We humbly lay before your Excellency the disturbance, and trouble we have from time to time, been oppressed with, from the French in the carrying on of our Fishery on the Island aforesaid etc., but more especially this last summer, the French King's subjects in a hostile

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and warlike manner landed, kept guards, and insultingly, carried off and damaged great quantitys of our fish, but not being in a condition for defence, we made the wrong done us to M. St. Ovid etc. *Pray* for protection the next season etc. *Signed*, Giles Hall, John Henshaw, Jose Appleton, John Henshaw for James Bodoine, John Marshall. *Same endorsement*. *Copy*. 1½ pp. [C.O. 217, 3. Nos. 6, 6 i-xviii; and (without enclosures) 218, 1. pp. 471, 472.]

Aug. 10. 181. Mr. Popple to the Agents *etc.* for the Governments on Whitehall. the Continent of America. *Encloses following. Concludes:* The Council of Trade and Plantations desire as particular answers as you can make, and that they may receive the same with all convenient speed. *Subjoined,*

181. i. Queries sent to Col. Vetch, for Nova Scotia, Jere. Dummer for Massachusetts Bay and New Hampshire, Brigr. Hunter for New York and New Jersey, Joshua Gee, for Pensylvania, Col. Hart for Maryland, Col. Blakiston for Virginia, Jos. Boone for Carolina. (i) What is the situation of ye ^{Colony} Province under your Government? the nature of the country, its longitude, latitude *etc.* (ii) What are the reputed boundaries thereof? (iii) What is the Constitution of the Govermts? (iv) What is the trade of the Colony, the number of shipping, their tonnage, and the number of seafaring men, with their respective increase or diminution? (v) What quantity and sorts of British manufactures do the inhabitants annually take from hence? (vi) What trade has the Colony with any foreign Plantations or any part of Europe besides Great Britain? How is that trade carried on? What commodities do the people send to, or receive from foreign Plantations? (vii) What methods are there used to prevent illegal trade, and are the same effectual? (viii) What is the natural produce of the country, staple commodities and manufactures? (ix) What mines are there? (x) What may be the annual produce of the commodities of this Colony? (xi) What is the number of inhabitants whites and blacks? (xii) Are the inhabitants increased or decreased of late, and for what reasons? (xiii) What is the number of the Militia? (xiv) What forts and places of defence are there within your Government? and in what condition? (xv) What number of Indians have you, and how are they inclined? (xvi) What is the strength of yr. neighbouring Indians? (xvii) What is the strength of your neighbouring Europeans? (xviii)

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What effect have the French Settlements on the Continent of America upon H.M. Plantations ? (xix) What is the revenue arising within your Governmt., and how is it appropriated ? (xx) What are the ordinary and extraordinary expences of your Government ? (xxi) What are the establishments, civil and military within your Governmmts., and what officers hold by Patent immediately from the Crown ? [C.O. 323, 4. pp. 282-286.]

[Aug. 11.] **182.** Governor Hunter's Answers to preceding Queries, relating to New Jersey. *Set out*, N.Y. Col. Docs. V. 555 ; and N. J. Archives, 1st Ser. IV. 449. *Endorsed*, Recd. 11th Aug. Read 6th Dec. 1720. $4\frac{1}{2}$ pp. [C.O. 5, 971. No. 85].

Aug. 11. **183.** Mr. Delafaye to the Council of Trade and Plantations. Whitehall. Transmits enclosed for their consideration. *Signed*, Ch. Delafaye. *Endorsed*, Recd. 12th. Read 18th Aug., 1720. 1 p. *Enclosed*,

183. i. Extract of letter from my Lord Ambassador Sutton. Paris, 15th Aug. 1720. *Encloses following. Concludes* : In the manner it is couched, without any apparent regard to the Treaty of 1686, it may become very pernicious to our Navigation in the West Indies, and consequently seems to deserve to be considered. $\frac{1}{2}$ p.

183. ii. A regulation by the French King, 23rd July (N.S.) 1720, relating to the Trade of foreigners with the French Colonies in America. (1) All vessels engaged in foreign trade with the French Colonies are to be seized and tried etc. *Copy. French.* $3\frac{3}{4}$ pp. [C.O. 323, 8. Nos. 13, 13 i., ii.]

Aug. 11. **184.** Mr. Popple to Mr. Pulteney. The Council of Trade and Plantations having observed in the Daily Courant of the 6th of this month a regulation said to be published at Paris concerning the commerce of foreigners in the French Colonies, and two ordinances of 1681 and 1698 being referred to therein, they desire you will procure them copies etc. (v. Aug. 23). [C.O. 324, 10. pp. 288, 289.]

Aug. 11. **185.** Order of the Lords Justices in Council. Their Excellencys in Councill this day taking into consideration the great importance of the Province of Carolina, both with regard to its own product, and as it is a frontier to H.M. Provinces in the Continent of America, and the eminent danger of its being lost in this criticall juncture by the confused state of its present Government, are pleased to order and it is hereby ordered, that the Governmt. of the said Province be forthwith taken

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provisionally into the hands of the Crown, and that the Lords Commissioners of Trade and Plantations do prepare a Commission and Instructions for a Governor to be appointed by His Majesty, and that they likewise propose to their Excellencies what they judge further necessary to be done for the safety of the said Province. *Signed*, Temple Stanyan. *Endorsed*, Reed. 12th. Read 15th Aug., 1720. 1 p. [C.O. 5, 358. ff. 1, 2v.]

Aug. 11. **186.** Council of Trade and Plantations to the Lords Justices. Whitehall. *In obedience to Order in Council, 19th May last, enclose following for their approbation. Annexed,*

186. i. Additional Instructions by the Lords Justices to Governors of Plantations (Col. Shute, Mr. Burnet, Earl of Orkney, Sir Nich. Laws, Genl. Hamilton, Saml. Cox, Col. Bennet). Whitehal, Sept. 17, 1720. Whereas Acts have been pass'd in some of H.M. Plantations in America for striking bills of credit and issuing out the same in lieu of mony, in order to discharge their publick debts, and for other purposes, from whence several inconveniences have arose. It is therefore H.M. will and pleasure that for the future you do not give your assent to or pass any act in H.M. — under your Government, whereby bills of credit may be struck or issued in lieu of mony or for paymt. of mony either to you the Governor or to the Commander in Chief, or to any of the members of H.M. Council or of the Assembly of the said———of——— or to any other person whatsoever, without a clause be inserted in such Act declaring that the same shall not take effect till the said Act shall have been approved and confirmed by H.M., excepting Acts for raising and settling a publick Revenue for defraying the necessary charge of the Governmt. of the said———of——— according to the Instructions already given you. [C.O. 324, 10. pp. 286–288; and 324, 34. pp. 13–15.]

Aug. 11. **187.** Brigadier Hunter to Mr. Popple. Encloses following. London. *Signed*, Ro. Hunter. *Endorsed*, Reed. 11th Aug., Read 6th Dec., 1720. *Holograph. 1 p. Enclosed,*

187. i., ii. Brigadier Hunter's Replies to Queries, 10th Aug., relating to New York. *The most important are:—(v) Trade, shipping and mariners are considerably increased. Exports chiefly furs, tar and pitch, whale oil and bones for England; flour, pork and other provisions to the Southern Islands; horses to Surinam, Curaçoa and St. Thomas. Returns from latter in gold and silver, so far as avowed. (vii) The methods to prevent illegal trade*

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are seizures and confiscations upon discovery, but the officers being frightened with appeals to the Admiralty here, under which they have been great sufferers, I doubt will not be so exact in the future. (viii) Produce of the country is corn, flour, tar, whale oil, pork. No sort of manufacture that deserves mention. (xii) Inhabitants increase daily, chiefly from New England, and of late from the North of Ireland. (xiii) Militia, about 6000. (xv) Five Nations very well inclined, but number only about 2000, besides the River Indians who are under their command. (xiii) The neighbouring Indians are more numerous but less considerable than ours. (xviii) The effect of the French settlements upon the Plantations is a general dread of the consequences, but no other effect as yet etc. *The whole Set out*, N.Y. Col. Docs. V. 555; N.J. Archives, 1st Ser. IV. 449. 4 pp. [C.O. 5, 1052. ff. 85, 86-87v., 88v.]

Aug. 11. 188. Col. Schuyler to the Council of Trade and Plantations.
 New York. *Abstract.* Is embarking for Albany to meet the Sachims of the Five Nations there on the 16th and renew the Covenant with them, the Council agreeing that this is necessary, in order to steady them in H.M. interest and if possible to induce them to remove the encroachments of the French. Is taking with him such presents as the Council judged proper, and will write to the Governor of Canada after he has treated with the Indians, when he hopes to be able to do so in more pressing terms. The Province is perfectly tranquil. *Set out*, N.Y. Col. Docs. V. 558. *Signed*, Pr. Schuyler. *Endorsed*, Reed. 28th Sept., 1720. Read 18th Jan., 1721. 1½ pp. [C.O. 5, 1052. ff. 127, 127v., 128v.]

Aug. 15. 189. Mr. Frere to the Council of Trade and Plantations.
 Barbados. Having on the 2nd of this instant received by the hands of Mr. Samll. Cox, a letter from the Right Honble. Mr. Secretary Craggs etc (v. 11th June), I thought it my duty to consider and answer the same in Council, but only four Members attending that day, and the rest (some of whom were very ill) having sent their excuses, I adjourned the Council by the advice of the attending Members to Fryday following being the 5th instant, and ordered letters to issue to the absent Members to require their attendance that day; The whole Councill accordingly mett on the 5 instant, and in the presence of Mr. Cox I lay'd the said letter before them, and demanded their advice and opinions upon it. *Encloses copies of proceedings.* I perswade myself that what has been done in this affair is agreeable to the Instructions given Mr. Lowther by H.M. Commission, which I

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take it to be my duty, as I am intrusted with the administration of the Government, to observe. *Signed*, Jno. Frere. *Endorsed*, Reed. 7th Oct., 1720. Read 18th May, 1721. 1 p. [C.O. 28, 17. ff. 89, 90v.]

Aug. 16.
Custome
House,
Boston in
N. England.

190. John Jekyll, Collector, to the Council of Trade and Plantations. *Reply* to their enquiry through H.M. Commissioners of Customs, Oct. 30th, as to the progress of woollen and linnen manufactures in New England, and how the same are encouraged. As for ye woollens ye country in general make it for their own use and weave it commonly themselves. There are some fulling mills, and not farr from this place they make very good druggetts, camblets and serges which are sold daily to ye shops in this town, and wore by ye meanest sort of people, as for ye tradsmen and mechanical part they are very ambitious of appearing above themselves and will not be seen in anything beneath ye merchant or more substantial wch. is in ye produce of Europe. As for ye linnen manufacture ye Peasantry wear wt. they call homespun which is made of cotten and linnen tho' wee have had lately some hundreds of Irish families setled at ye Eastward wch. make as good linnens and diapers as in Ireland itself. Now as for ye encouragment thereto your Lordships well know this is a Charter Governmt. and except H.E. our Governor everyman of the Councill (who are elected by ye People) are New England men and as far as I can guess have their dear Idol ye Charter much at heart and a great love for independendey in genrl. etc. *Signed*, John Jekyll. *Endorsed*, Reed. 23rd Sept., 1720. Read 5th July, 1722. 1 $\frac{3}{4}$ pp. [C.O. 5, 868. ff. 278, 278v, 279v.]

Aug. 16.
Whitehall.

191. Mr. Popple to Brigadier Hunter. Desires him to attend the Board upon Mr. Walpole's Memorial 28th June, and to give them the best light he can into the course of receipts and payments of the public money in New York and the method of auditing their accounts. [C.O. 5, 1124. pp. 234, 235; and (corrected draft) 5, 1079. No. 118].

Aug. 16.
Whitehall.

192. Council of Trade and Plantations to the Lords Justices. In obedience to your Excellency's Order the 11th instant, we have prepared the draught of a Commission *etc.*, wherein we have followed as near as might be the copy of a Commission formerly granted by his late Majesty King William the 3rd of ever glorious memory to Col. Copley for the Province of Maryland when it was thought necessary for the service of the Crown to resume the Government of that Province from the Proprietors. We shall likewise take care, in obedience to your Excellencies Orders to prepare a draught of proper Instructions *etc.*, whereby we shall likewise offer to your Excellencies, what we conceive further necessary to be done for the safety of the said

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Province ; But that no time might be lost in so important an affair, we thought it our duty to lay the inclos'd draught of a Commission before your Excellencies by the first opportunity. We think it necessary upon this occasion, to inform your Excellencies, that altho' Carolina was originally granted intire to the Lords Proprietors and their boundaries afterwards inlarged, as we have been inform'd, by a subsequent Charter, whereby a part of the land formerly reputed Virginia was added to the former grant, yet they found it convenient to divide the same into distinct Provinces, by the names of North and South Carolina, which have had different Govrs. Assemblies and Courts of Justice, But we have been inform'd that the Governor of South Carolina has sometimes been likewise Governor of North Carolina and vested with a power of appointing a Deputy there. The draught of the Commissn. which we have prepar'd, is for Carolina in general, and we submit it to your Excellencies, whether the person to be appointed Governor by H.M. shou'd be impower'd by his Instructions to nominate a Lieut. or Deputy Governor for North Carolina, or whether such Lieut. Governor shou'd not rather be appointed immediately by H.M., as is practis'd in the Leeward Islands, where each Island has a Lieut. Govr. with a distinct Council and Assembly ; all of them nevertheless subject to such orders as they shall receive from a Captain General of the said Islands.

Annexed,

192. i. H.M. Commission for the Governor of Carolina.

With marginal notes of subsequent amendments. Afterwards filled in for Francis Nicholson Esq., to be Governor of South Carolina. The preamble runs as follows : Whereas by great miscarriages and neglects in the Governm't. of our Province and Territory of *South Carolina* in America, the same is fall'n into such disorder and confusion, yt the publick peace and administration of Justice (whereby the properties of our subjects shou'd be preserv'd there) is broken and violated and the said Province become wholly void of defence against any foreign enemy, or even against the incursions of the barbarous Indians, whereby the Southern frontier to our Plantations on the Continent of America, and one of the most fruitfull of our Colonies, is in great danger of being depopulated, and the trade and advantages thereof forever lost from the Crown of Great Britain. And whereas Our said Province of *South Carolina* and our [good] subjects the inhabitants thereof, cannot be defended and secur'd by any other means, than by our taking provisionally the Government into Our own hands and immediate care ; We therefore reposing especial trust and confidence in the prudence, courage, and loyalty of you

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the said *Francis Nicholson etc.*, appoint you our Capt. General and Governor in Chief in and over our Province of *South Carolina etc.* *Words in italics were subsequently inserted and word in brackets omitted. The Commission proper follows.* [C.O. 5, 400. pp. 1-26.]

Aug. 16. **193.** Letter of Attorney from several Palatines at New York empowering John Conrad Weiser, William Schef and Gerard Walract to represent their grievances to the King. Signed in the autumn of 1719. *Endorsed*, Reed. (from Mr. Long), 16th Aug. 1720. *Copy.* 1 $\frac{3}{4}$ pp. [C.O. 5, 1052. ff. 77, 77v., 78v.]

Aug. 16. **194.** The humble petition of the inhabitants of the settlement of South Carolina now under arms to the King, sheweth that your petitioners for the preservation of this Colony and your Majesty's subjects here settled found themselves under an absolute necessity to elect the Honble. James Moore Esq. to be Governour of this settlement on behalf of your Majesty, since which we have been again alarum'd with an intended invasion of the Spaniards from the Havanah and by a scout-boat lately arriv'd we are informed that the Spanish fleet is now actually at St. Augustine from whence we hourly expect to be attack'd both by sea and land. That your petitioners have putt themselves into the best posture of defence they could but they have so long laboured under an heavy Indian war perpetual alarms both from our sd. enemy and Indians and pyrates that they are now reduced to the lowest ebb of fortune and cannot expect to be able to subsist or any time longer to defend this settlemt. unless we are imediately taken into yor. Majesties royall protection and assistance. Wherefore yor. petitioners in the most humble manner supplicate yor. Royall Majesty as our Representatives have already done to receive this settlemt. into yor. most gracious favour and imediate protection and suffer us no longer to be under the authority of any Lords Proprietors whose indigency or neglect hath hitherto been the chief occasion of all the miserable calamities we now labour under. *Signed by 238 of the inhabitants. Endorsed*, Reed. from Mr. Boon, Read 16th Augt., 1720. *Copy.* 1 p. [C.O. 5, 358. ff. 3 and 10v.]

[Aug. 16.] **195.** An Act for supporting the present Government under the administracon of the Honble. James Moore Esq. or any succeeding Governor (of South Carolina). Whereas by reason of the ill Governmt. and male administracon of the proprietors of this settlement and their officers more at large set forth in the general representacon of the grievances of the inhabitants etc. (v. Feb. supra), and by reason of the inability and incapacity of the said Proprietors to protect or defend this Collony from

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the continual massacres and insults of our enemy Indians or the invasion of foreign enemies they the said inhabitants have been driven to so great extremities that no ordinary meanes could be were or can be sufficient to extricate themselves from the evills aforesaid. Wherefore the said inhabitants taking into their consideracon their calumitous circumstances and for the preservation of their lives and estates according to the supreme Law of Nature and the duty they owe under the said Soveraigne Lord the King to prevent the desertions of the people and to save so noble a Collony from falling into the hands of H.M. enemies did with one heart and voice renounce the said proprietors and every of them their heires and successors and did unanimously elect the Honble. James Moore Esqr. to be Governor of this Settlement for and on H.M. behalfe. And whereas the said James Moore as Governor, and for the due and regular Governmt. of the said Settlemt. and the preservation of H.M. peace and the better to oppose and withstand our said enemies did constitute and appoint divers officers both civil and military untill H.M. pleasure should be known in this behalfe, we therefore humbly pray his most sacred Majestye that it may be enacted and be it therefore enacted by the said Honble. James Moore Esqr. Governor for and in H.M. name and by and with the advice and consent of the Representatives of the said inhabitants of the said Settlemt. now mett at Charles Town that as well he the said James Moore Govr. as also all persons acting in this present Generall Assembly and other officers and ministers civil and military whatsoever created or to be created by him the said James Moor and acting under his authority or made created or continued by a General Convention of the said inhabitants or made created or continued by the present Generall Assembly or by the now common House of Assembly by force or virtue of any law or custom of this Province at any time in forme before the said late revolution of the Settlement bee and are hereby confirmed in their respective offices untill H.M. or the Governor shall see fitt to remove them *etc.* All acts by the said Convention Governor or Assembly or any officer under them hereby declared good and valid *etc.* unless H.M. or the Parliament of Great Britain or the General Assembly of this Settlement shall repeal the same *etc.*, and all parties concerned in the late Revolution or in the said Governmt. of affaires are hereby justified and indemnified. All actions brought against such officers on account of the premisses *etc.* shall be deemed null and void *etc.* 2 pp. [C.O. 5, 358. ff. 5, 5v.]

Aug. 16. **196.** Mr. Popple to Rev. Mr. Gordon. Asks for information Whitehall. in writing of the trade carried on between New England and any foreign Plantations, particularly to the French and Dutch settlements in horses; and what returns they receive for them, and what is the consequence of such trade. [C.O. 5, 915. p. 315.]

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- Aug. 17. 197. Mr. Gordon to Mr. Popple. *Reply to preceding.* The Dutch Sugar Colony of Surinam lies so low, and is so woody that they don't build any windmills there for want of wind, and (except upon the banks of their river, where they have water-mills) all their sugar is made with mills turn'd round with horses, of which they do not breed any themselves, but are altogether supply'd from New England and Rhode Island in English bottoms which carry thither salt fish also, and hogshead staves, and for returns export chiefly molasses, which the Dutch sell much cheaper than the English can afford it, and with that molasses they make rum, with which the Colonys about New England are above half supply'd. I have also known several vessels come from Surinam to Barbados with hard timber and molasses, which they have sold, even there, to good profit. From New England and Rhode Island they carry horses, boards, staves, fish and all sorts of deal timber to Martinique, Guardaloop, French Hispaniola and Cheyanne, a flourishing French Colony etc. From all these places they have great quantitys of sugar and molasses ; and, from Martinique, all their cocoa and indigo. From New York the French colonys are chiefly supply'd with flower, bacon, and some horses, in return for which they export great quantitys of sugar and cocoa, and ship it directly to Holland. In my humble opinion this trade tends to the encrease and improvements of foreign sugar Colonys, and the decrease of our own, and is, at present, very prejudicial to H.M. Revenue ; for, without this trade, the sugar, rum and molasses consumed in the Northern Colonys would be exported from the English sugar Colonys, and pay H.M. not only a duty of $4\frac{1}{2}$ p.c., but also the enumerated duty as we call it, for all sugars exported to our Colonys. The quantity of sugars imported to our Colonys from the French and Dutch is so great that they send a great deal of it even to England as the produce of our own Colonys ; by which means H.M. is not only defrauded of the double duty, but also of the enumerated duty supposed to have been paid upon their first exportation from the Colony where they were made. If a moderate duty were laid upon the produce of all foreign Colonys when imported into English Colonys ; and if it were made equally penal to export the produce of any foreign Colonys after they are once imported to an English Colony, to any place but Great Britain, as it is to export their own produce, such a Law would, in a great measure, prevent many of the frauds, and very much improve the Revenue. Mr. Worsam etc., when about 4 years agoe he liv'd at New York, sent over to Barbados a calculate of the French sugar imported there, the very $4\frac{1}{2}$ p.c. duty of which amounted I think to above £1500 per ann. etc. Signed, W. Gordon. Endorsed, Reed. 17th, Read 18th Augt., 1720. 3 pp. [C.O. 5, 867. No. 73.]

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- Aug. 17. **198.** Mr. Tilson to Mr. Popple. When Mr. West was appointed *etc.* (v. 6th May), it was intended that the standing fee of £100 guineas pr. annum apeice to the Attorney and Sollicitor General and 10 guineas pr. annum to each of their Clerks should cease, and that the Board of Trade should (as often as they might have occasion to apply for the opinion of either of them) give the usual fee for such their opinion, and bring the expence thereof into the Contingent bill of their Office. The Lords Commrs. of H.M. Treasury desire that their Lordships may take their measures accordingly *etc.* *Signed,* Chris. Tilson. *Endorsed,* Reed. 25th, Read 26th Aug. 1720. *Addressed.* 1 p. [C.O. 388, 77. No. 84; and 389, 37. pp. 188, 189.]

- Aug. 18. **199.** Mr. Delafaye to the Council of Trade and Plantations. Upon your representation of 16th inst. *etc.*, the Lords Justices direct that you give all possible dispatch to the report you are to lay before them of what is further necessary to be done for the safety of Carolina, *etc.* *Signed,* Ch. Delafaye. *Endorsed,* Reed. Read 19th Aug., 1720. 1 p. [C.O. 5, 358. ff. 11, 12v.]

- Aug. 19. **200.** Governor Shute to the Council of Trade and Plantations. *Encloses following.* I shall by the next ship send an account of the stores of New Hampshire. Since I sent an answer to the Query relating to the manufactures of this country I have been informed that there are some camblets and druggets made in the country and sent to some of the shops in Boston, but I don't observe that they are worn by any but the ordinary people. I hope I shall quickly receive some answer relating to the affair of the Speaker mentioned 1st June *etc.* For tho' in the next Assembly they chose another Speaker, I find they still persist in the opinion that the King's Govr. has no negative upon the Speaker. Capt. Carey who left London 29th May was taken by a pirate ship of 26 guns and a sloop of 10 near the banks of Newfoundland who took and destroyed so much of his cargo as amounts to about £8000 sterling; and also reports that they had fallen upon and destroy'd the fishery of Newfoundland. *Signed,* Samll. Shute. *Endorsed,* Reed. 27th Sept. 1720, Read 7th March, 17²⁰₂₁. 2 pp. *Enclosed,*

200. i, ii. Accounts of the stores of war expended and remaining at H.M. Castle William, Boston, June 24th, 1720. *Signed,* Zec. Tuthill, Lt. *Endorsed as preceding.* 2 pp. [C.O. 5, 868. ff. 5-6, 7v.-9 (with abstract).]

- Aug. 20. **201.** Mr. Secretary Craggs to the Council of Trade and Plantations. Enclosed I transmit a Memorial setting forth the reasons why a Comptroller should be appointed over the King's Woods in New England, and as H.M. is inclined to confer

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that place on the present Governour there if it be found proper to erect such an office, you are to report your opinion thereon etc. *Signed, J. Craggs. Endorsed, Recd. 20th Augt., Read 1st Sept., 1720. 1 p. Enclosed,*

201. i. Memorial to the King. Proposing the appointment of the Governor of New England as Comptroller of H.M. Woods. *No date or signature. 2½ pp. [C.O. 5, 867. Nos. 74, 74. i.]*

Aug. 20. **202.** Charles Blechynden to the Council of Trade and Plantations. *Reply to queries as to woollen and linnen manufactures. Duplicate of 16th Aug. Signed, Chas. Blechynden. Endorsed, Recd. 23rd Sept., 1720., Read 5th July, 1722. 1¼ pp. [C.O. 5, 868. ff. 280, 280v., 281v.]*

Aug. 21. **203.** Col. Vetch to the Council of Trade and Plantations. *Reply to Queries of 10th Aug., relating to Nova Scotia. (i) Its situation is from the River St. Croy in the 43rd degree of North Latitude along the coast, N.E., as farr as the Gutt or passage of Cansoe, which about 160 leagues, to the 46 degree, its longitude. The country partly mountanous full of timber of allmost all sorts that Europe produces, besides others etc. The soyle is generaly very fertile. (ii) Its reputed boundaries, upon the seaboard side, are from the River St. Croy, to the passage of Cansoe. And on the side of the Gulf of St. Lawrence and bay Vert (as the limits, of that Government, was reputed, when possess'd by the French) reached as farr as Cape Gaspee : including the islands of St. John, St. Peters, Magdalen, Bonaventure, St. Pauls, Persee, and many others of lesser note. As to its limits into the country north, north west, and westerly, they have never as yet been adjusted, the country not being settled, and being all formerly in the possession, of the French. (iii) As to the form of Government there, it hath been hitherto, intirely military ; the Crown, of Great Brittan, never having established, any sort of civil Government there, since its reduction, save what they may have empowered Col. Philipps to doe etc. (iv) As to the trade of that place, it is as yet, not at all considerable, and consists cheifly, in furrs, and peltry of all sorts ; cod fishing, some small matter, of naval stores, as pitch, tarr, masts, lumber etc. Their shipping consists only in sloops and small boats from 50 tunns and under, they are most employed in the fishery, or transporting their grain, eatle etc. to Cape Brettoun or Canada, which are the only places, almost they tr[ade to ?], save one vessell came from thence directly to England, and another to Jamaica. They are navigated generaly by the inhabitants of the country, who are almost all of them, used to the [?sea] etc. : they doe not encrease, New England Cape Breton and Ca[nada] drawing them from thence, for want of encouragement at home. (v) As to the*

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Brittish manufactoryes, what they use, they have by way, of Boston att verry [?high prices], but is not verry considerable, having litle to purchase the same, the furr and petty trade (which is considerable) [*be*ing mostly to [?Cape Breton] and Canada, from whence they are supplyd with what they n[eed], tho att verry high prices; Any of our Brittish manufactorys consum'd there, are, course woolings, cutlery, nails, cordage, tools, etc. (vi) They have no trade to any forreign place save Canada and Cape Brittoun, only one sloop came there from Martinico, with rumm and malasses, to truck for fish, but was seised as ane ilegal trader. (vii) To prevent illegal trade, there is a Colector there (one Mr. Newton) who is as yet a needless expense to the Crown. (viii) See No. iv. As to manufactoryes, they have none as yet. The country produces catle, sheep, and hogs in great abundance, which they export to Cape Britton, for stocking of that place. (ix) As to mines, the French, while posessed of that country never made any improvement, of any of them, tho they had tryed for them, tho they found stone for iron, in abundance, copper, and lead oar, verry promising in severall parts, of the country. (x) As to the anuall produce of the commoditys of this country, it is almost impossible, to make any computation, of them, the most valueable being caryed away to the French Colonys as abovesd. M. Subercass, the French Govr. (whom I succeeded) told me that the year before wee took the place, which was 1709, he sent home for the Canada Company above 40,000 bea[vers'] skins, besides a vast many martins, minks, otters, foxes, cats, rakoons etc., which amounted, to above double, the value, of the beaver, all which is now almost wholly lost, to Great Brittan, by reason, that the Indians who kill those creatures being intirely in the French interest; for want of executing that Article in the Treaty of Utrecht, for appointing Commssrs. to determine, to which of the kingdoms, the severall cantons of Indians, togither with their trade belongs, by which the Crown, of Great Brittan hath lost yearly at least, four, or five thousand pounds, which the dutys of those furrs would have amounted to: besides four times that loss in trade to the merchants etc. (xi) As to the number of inhabitants: I take the French there not to exceed 1200 families at most, the Indians in all the severall districts not to exceed 500 families, or as many fighting men. The Brittish including the Garison, as it now is, not above 300. (xii) Tho' the French inhabitants of Nova Scotia are verry prolifick, yet I belive the country rather decreases then increases for the reasons mentioned before etc. (xiii) As to the Militia, they have never be[en any?] since the reduction of that place etc. (xiv) As to forts, and places of defence, there are none save att, Annapolis royall, which is but in a verry sorry condition, a particular accot. of which, your Lops. may have from the Board of Ordinance. (xv) See No. xi. (xvi, xvii) Cannot answer.

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(xviii) To answer this quære relating to what effect the French settlements upon the Continent have upon those of Great Brittan would require a small volume, only in generall, as the French from Canada, quite to Mississippi, have by small forts, and trading houses, at verry considerable distances one from another, togither, with their friendship, with the natives, given themselves a title, to all that vast tract of land, which lys quite behind all our Brittish dominions, there : and hemms them in betwixt the French and the sea all the way from the eastermost part of Nova Scotia to the westermost part of South Carolina : so they have not only robbed them, of all the trade with the natives adjoyning to and belonging to our severall Colonys of verry great value and consequence : But may, as their Colonys grow numerous by the assistance of the Indians (their being no limits settled betwixt any of our Colonys and theirs backwards) not only confine our Brittish Colonys to a verry narrow bounds along the sea coast which they now possess ; but at last even force them from the same by the aide and pretended title the natives will give them to all the country : so that it is certainly of the last consequence to all the Brittish Colonys upon the Continent of North America to have their limits adjusted with the French in as solemn, and publick a manner as can be : and the severall nations of Indians depending upon the respective Brittish Colonys with all possible formality in presence of the Indian Cheifs and french missonarys as well as their Commissioners for that end appointed declared to belong to and depend upon the Crown, of Geat Brittan : as proposed by the Treaty of Utrecht, etc. (xix) As to revenues, there are as yet none att all setled etc. (xx) The ordinary expences, of that Government are no more then what the establishment of that Garison here : (to be seen at the Warr Office) provides for : excepting the Colector etc. ; the extraordinary expense is casual, repairs of the fort and presents to Indians etc. (xi) Civill establishment I know of none, nor is there any office held there by patent save that of the Governour. *Endorsed,* Reed. 21st Aug., Read 6th Dec. 1720. *Worn.* $3\frac{1}{2}$ pp. [C.O. 217, 3. No. 16.]

Aug. 22. **204.** Governor Hamilton to the Council of Trade and Plantations. *Acknowledges* letter of 29th Sept. last, with the Memorial of M. D'Iberville. *Continues:* To answer which I herewith send the most distinct account, that I could possibly procure etc. I can with great truth from my own knowledge affirm to your Lordships, that the several allegations contained in the Representation to me from the Council and Assembly are fact so far as they relate to the assistances that have from time to time (v. Nov. 21st) been given by that Island [Nevis] to the others therein mentioned ; And I do further assure your Lordships that the forces therein mentioned have been

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actually sent on the services and expedition therein specified etc., as also that the inhabitants did relieve and support the subjects of the United Provinces, as well as those of our own Nation for the time therein set forth, all which put that now distressed Colony to a very great charge and expence both of men and mony, which, by the devastations committed on them by the enemy, and the misfortunes that have since at several times befallen them by storms and severe droughts have reduced that once flourishing Island to a very deplorable condition. Your Lordships will find that the number of the present inhabitants is inconsiderable and if they become apprehensive of their being made lyable to answer the demands of Monsr. D'Iberville 'tis to be feared that they will remove their effects, and totally desert that Island, so that I cannot but earnestly beg that your Lordships will be pleased to recommend them to H.M. as proper objects of His Royal compassion, it being impossible for them to make satisfaction for the sum stipulated (in case the convention should be adjudged good) without stripping them of their all, and thereby reducing them to the utmost poverty and want, which I am persuaded your Lordships goodness will endeavour to prevent. I remark what your Lordships have directed your Secretary to signify to me in relation to Colo. Bramble etc.; and the nomination of Councillors which I shall punctually obey, and indeed is what I have hitherto duly performed. I also observe your Lordships opinion as to the suspension of Officers in case they shall neglect or refuse to perform their duty, which is very satisfactory to me, and I am in hopes I shall by this means be able to compell them to furnish me with the several papers which I am enjoined by my Instructions to transmit etc. I have not been able to get any further accounts of the settlements in these parts belonging to foreigners etc., but shall endeavour it etc. In order to comply with *your [Lordships remarks]* on my answer to the 7th Article I now send an account of the number of sailors and vessels properly belonging to this place, and as soon as I can get those of the other Islands I shall duly forward the same etc. *Refers to other enclosures; and, in answer to their enquiry about the Act of Montserrat (29th Sept.), to his letter of 9th April etc.* Continues: which I hope will convince your Lordships that I am sincerely desirous of persuing my Instructions in every particular, and indeed could I have got the papers sooner your Lordships should have had them long ere this, however I hope they will now get safe to hand and prove satisfactory. Acknowledges letter of 3rd March with queries in relation to the Act for indemnifying Anthony Brown etc. Continues: I have caused the inhabitants of [St. Philips] parish to appear before two magistrates to hear what the several parties had to offer for and against the new Church etc. Each side have delivered their answer in writing but those given to the 6th and 7th

Queries are so very contradictory that I must own I am a little at a stop what judgement to make on the same especially as to the 6th Querie, and therefore I intend at the next meeting to take the opinion of the Council in that particular they being better acquainted and consequently more proper judges than I can pretend to be ; as soon as I have done that, and made myself master of the truth of the facts alledged in answer to the 7th Querie I shall transmit the whole to your Lordships and hope it will be sufficient to put an end to this long and troublesome affair. *Encloses* licences of absence to Lt. Colo. Morris, Colo. Warner and John Yeamans Esqr etc., the former is now in England, the other in Barbados and the latter in New England. Azariah Pinner Esq. one of the Council of Nevis is some time past dead in England and John Dale Esq. one of the Council of Mountserrat by reason of his great age has resigned etc., in whose places I beg leave to recommend Roger Pemberton Esq. for Nevis and Anthony Hodges Esq. for Mountserrat, both which persons are zealously affected to H.M. and the Protestant Succession etc. They have both very good estates in those Islands etc. Mr. Hodges his father was formerly Lt. Governor of Mountserrat. *Signed*, W. Hamilton. *Endorsed*, Recd. 20th Oct., 1720, Read 27th June, 1721. 4 pp. *Enclosed*,

204. i. Governor Hamilton to Mr. Popple, Antigua, 28th July, 1720. *Encloses* returns in answer to his Instructions, as desired 24th April and 29th Sept., 1719. *In compliance with Instruction 22, encloses* Acts of St. Christophers, (a) *for raising an impost on liquors imported*, (b) *for laying a tax on vintners and on retailers of strong liquors and for lessening the number of distillers etc.* (c) *for settling a salary on William Nevine Esq., Agent for the Island etc.* Refers to letter of 3rd Nov. *Continues* :—Notwithstanding what I then wrote, the said Acts were not returned unto me untill about six days ago and even yet I have not received the duplicates (*v. encl. iii*). By which their Lordships will see how difficult it is to get the business duly dispatched in these Islands ; however to prevent delay of this nature I am determined to pass no Act but what shall come accompanied with a duplicate, to the end I may send them to their Lordships whilst the originals are publishing and recording etc. (d) *Act of Antigua, to empower the Treasurer to collect arrears due etc., and for allowing interest to those whom the publick is indebted to and charging interest on the debtors of the publick.* (e) *for reinforcing an Act for repairing the fortifications etc.* Instruction 23. The reasons for each of the five bills now sent will appear upon perusal of them etc. 'Tis necessary they should be speedily considered etc. Instruction 24. I have already transmitted a book containing a collection

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of the Laws of Nevis, in which was included all the general Acts, *etc.*, but since their Lordships direct that the said General Acts be sent them distinctly, I have ordered the Secretary of Antigua to make out a Collection thereof, as well as a copy of the particular Acts of this Island in distinct books. If another collection of the particular Acts of Nevis is required *etc.* I will again give Instructions to the Secretary. I cannot affirm that any allowance will be made to him, in regard it is alledged that as he is a Patent Officer it is his duty to supply the Governour gratis with all papers that H.M. shall require, the perquisites and fees that he gets otherwise by his Office being a sufficient recompense. The Laws of St. Christophers were sent 21st March, 1718. The Secretary of Mountserrat was by me ordered to make out a collection of the laws of that Island in a bound book, but has transmitted them on paper (*enclosed*). I shall direct him again to transcribe them in a bound book *etc.* The Secretary of Antigua is now making a collection of all the particular Acts of that Island, as well as the General Laws *etc.* *Encloses lists thereof.* Instruction 34. *Encloses* accompts of the Treasurer of Antigua in two books, the first ending 6th Feb., 1718, the second 10th March, 1720, and of the Treasurer of St. Christophers 27th Nov., 1716–25th Jan., 1718. Since when there hath been few or no taxes raised in that Island, till three or four months past. I shall order him speedily to remit me his accompts since *etc.* *Encloses* accounts of the Treasurer of Mountserrat to 10th Nov., “Since when I do not know of any taxes raised in that Island” *etc.* Mr. Meriwether the late Treasurer of Nevis died 10 months ago. I can’t get any accounts of publick moneys during his time, his books which are in the utmost confusion not being settled, though several Committees have been appointed for that purpose. *Encloses* accounts from 1st May, 1713 to 15th Jan. 1716, with some estimates by the Assembly of public moneys raised up to Jan. 1st, 1717, since which there has been no tax raised till 16th March 1719, *etc.* Instructions 41 and 42. *Refers to* previous dispatch of Minutes of Councils and Assemblies and to those enclosed, and to imports from Madera sent 24th April, 1719, and now repeated. Instruction 51. I have given express orders to the severall Officers publickly to hang up in their Offices a table of all fees, and to send me copies thereof. *Encloses* the few he has received. *Continues:* By which their Lordships will see that the trouble I am obliged to be at in

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endeavouring to get the respective officers to perform their duty, is more than a little. I shall repeat my orders to the delinquents, and in case of further neglect suspend them *etc.* I shall take all possible care to prevent extortion *etc.* Instruction 59. I have at last with great difficulty got a list of inhabitants, *enclosed.* I shall take care to send yearly an account *etc.* Instruction 60. I have given express directions for keeping the said accounts and furnishing me yearly with abstracts *etc.* Instructions 69 and 70. *Encloses* accounts of stores of war. I have given directions to the officers to furnish me with an inventory every half year. Instruction 72. *Encloses* account of the forts and fortifications at Antigua *etc.* By which their Lordships will perceive that they are much out of repair, many of the guns being dismounted, and unfit for service, all the carriages that H.M. was pleased to send over are rotten and decayed, and at present it is not in the power of the inhabitants to raise a levy to make new carriages or indeed to do several other things that are necessary for putting the Island into a posture of defence, we having for these many months past been so severely afflicted with dry weather that in many parts of the country the poor people are really in want of common necessaries; and 'tis to be doubted that the calamity will rather increase than diminish, in regard the season of the year is already so far advanced, that it is impossible for the poorer sort to raise sufficient either this year or the next to purchase provisions for themselves or their families; and indeed it will hardly be in the power of the more wealthy to assist them, the weather having been so severe that it has not only disappointed them in their present crops, but will also prevent their making much the next year. Nay 'tis to be feared that many of good condition wont make as much as will buy necessaries for themselves and families, from whence I cannot but beg leave humbly to recommend their distress'd condition to their Lordships, and to pray that they will represent it to his most Gracious Majesty in hopes that he will be pleased to order some salt provisions and bread kind to be sent over, not only for the relief of the inhabitants of this but also of the other Islands, who have likewise very sensibly felt the severity of the weather and must, if not by some means or other speedily relieved, desert, as some have already done *etc.* I am of opinion it will be for H.M. service and the protection of the trade of this Island in time of war,

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to build a platform of 7 or 8 guns at Cripplegate near St. Johns harbour; with a battery of five guns at Chalk hill near Willoughby bay harbour; as also another at high Point near Parham harbour: but I dare not think of proposing these matters at present to the inhabitants whose calamity renders them altogether unable to begin any new works of that nature. *Encloses* accounts of forts and platforms in Mountserratt. The carriages sent thither by H.M. are likewise decayed and the inhabitants are unable to repair them for the reasons before mentioned. Accounts of the forts and platforms in Nevis and St. Christophers are not yet returned *etc.* I shall again give orders to the proper Officers, but as what they do in this matter is without fee or reward and their offices of no profit to them on any other occasion, there is no possibility of compelling them to do it so soon as if they were officers in pay *etc.* Instruction 74. I have given directions to the Surveyor to draw a map of St. Christophers and in order thereto he is now running out the French part *etc.* The Surveyor likewise has my orders for making out a map of Antigua, but I doubt he will rather quit his employ than undertake such a task without knowing how to be paid for it, and I am fearfull the Assembly will scarce agree to bear the charges thereof *etc.* There is no person in either Nevis or Mountserratt capable of making a survey thereof *etc.* When I can find anyone that is qualified and will undertake the trouble, I will readily grant him a commission for making him a Surveyor. Instruction 40. I shall strictly observe. I never yet remitted any fine or forfeiture *etc.* *Encloses* list of escheats granted by former Governors and confirmed by him *etc.* Instruction 76. In order to comply with this Instruction, I have given repeated directions to the Naval Officer for supplying me with quarterly accounts of the imports and exports, but I cannot yet get them for the whole Islands, the officers whereof do very little heed the orders that are given them, in regard the places are executed by Deputies, who conclude they shall be countenanced by the Patentee in case of a suspension; and indeed 'tis more than probable upon any such occasion he would be apt not only to espouse the part of the Deputy, but also become an enemy to any Governor that should displace the person he appoints, which I must observe to their Lordships makes it very difficult for the Commander in Chief to comply with his Instructions *etc.* I am so sensible of the delays that do happen

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from the neglect of Deputies, that I cannot but say the absence of the Patentees in general is a misfortune to all Governors and tends greatly to the obstruction of publick affairs, in regard some Deputies do not consider or indeed value how far their transactions may subject their Principal to a forfeiture of his office; and besides a Chief Governor of these Islands by the absence of the Patentee is made very uneasy in regard he is obliged to be at the trouble of issuing as many distinct orders as there are Deputies, whereas were the Patentees on the spot one order would do for the whole, and the Deputies would be more observant to them than to a Governor, well knowing that the bringing them to punishment is attended with much difficulty in these Islands, especially if he should be at an Island where the Governor does not happen to be present; however as their Lordships do require that I should be very punctuall in performing this as well as the other paragraphs of my Instructions I shall be sure to repeat my orders to each of the Deputies, and in case of neglect or refusal will proceed to suspend them, and use the best methods I can to bring them to punishment etc. Encloses list of imports and exports of Antigua. 25th March, 1719-1720 etc. *Signed and endorsed as preceding.* 9 $\frac{3}{4}$ pp.

- 204. ii. Governor Hamilton to the President of the Council of St. Christophers. Antigua, 3rd Nov., 1719. *Returns 3 Acts assented to, to be published and recorded, and returned to him with duplicates. Duplicates are to be sent with the originals in future etc. Signed and endorsed as preceding.* Copy. 1 p.
- 204. iii. Lt. General Mathew to Governor Hamilton. 19th July, 1720. *Encloses three Acts (of St. Christophers) for H.M. approbation. The want of two of them is a daily loss to the Island etc. Will forward duplicates by the next, having left them by mistake with the Secretary etc. Endorsed as preceding.* Copy. $\frac{1}{2}$ p.
- 204. iv. Copy of all the Acts in force in Mountserrat, 1719. *Same endorsement.* 7 pp.
- 204. v. List of the General Acts of the Leeward Islands, in force Aug. 1720. *Same endorsement.* 3 pp.
- 204. vi. List of the Acts of Antigua, in force Aug. 1720. *Same endorsement.* 5 $\frac{1}{2}$ pp.
- 204. vii. Accounts of John Cochrane, the Treasurer of Montserrat, £325 7s. 5d. due to Treasurer. *Signed, John Molineaux Spkr., Richd. Cooke, John Boynton, Thos. Caines, William Frye, William White, Antho. Fox, Edward Parson.* *Same endorsement.* 6 $\frac{1}{2}$ pp.

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204. viii. Accounts of the Publick of Nevis, 1st May, 1713—
1st Jan. 1716. *Receipts*, £11870 6s. 3 $\frac{3}{4}$ d. *Expenditure*, £11255 16s. 7 $\frac{1}{4}$ d. Includes item for relief of Prisoners called Hostages at Martinique, £1424 4s. 3 $\frac{1}{4}$ d. *v. Encl. i. Same endorsement. 2 pp.*
204. ix. Accounts of the Publick of Nevis 1st Jan. 1716—1717, *Receipts*, £1238 12s. 5 $\frac{1}{2}$ d. *Expenditure*, £1460 2s. 2 $\frac{1}{4}$ d. Includes item, For the relief of the Prisoner called a hostage at Martinique, £201 16s. 0d. *Same endorsement. 2 pp.*
204. x. Account of ships and imports from Madera or the Western Islands to Antigua, 3rd March, 1715—1718. 33 vessels, of which 18 from London, bringing Madera wine. *Signed*, Jno. Booth, Naval Officer. *Same endorsement. 1 p.*
204. xi. Account of ships and imports from Madera and the Western Islands to Nevis, 3rd March 1715—1718. 12 vessels bringing 676 pipes of Madera wine. *Signed*, Rob. Lorey, Deputy. Naval Officer. *1 p.*
204. xii. Account of ships and imports from Madera and the Western Islands to St. Christophers. 3rd March 1715—1718. 16 vessels bringing Madera wine. *Signed*, Drewry Ottley, D.N. Officer. *1 p.*
204. xiii. Similar account of 4 ships importing Madera to Montserrat. *Signed*, Natho. Webb pr. Naval Officer. *Endorsed*, Reed. 20th Oct. 1720, Read 27th June, 1721. *1 p.*
204. xiv. List of Civil Officers in the Leeward Islands. 28th July, 1720. *Same endorsement. 2 $\frac{1}{2}$ pp.*
204. xv. Docquets of Officers Fees in the Leeward Islands. *Same endorsement. 23 pp.*
204. xvi. List of the Inhabitants of the Leeward Islands, 18th July, 1720.

	Free Persons.				Servants Free and Unfree.				Fit to bear Armes.	Negroes
	Men.	Women.	Boys.	Girls.	Men.	Women.	Boys.	Girls.		
St. Christophers	645	694	626	575	163	54	28	15	755	7321
Nevis	331	426	206	312	33	18	13	4	378	5689
Mountserratt	486	492	295	320	64	10	9	12	444	3772
Antigua	739	819	744	652	471	140	45	42	1109	19186
Anguilla	133	164	112	139					121	879
Spanish Town	92	86	90	103					88	364
Tortola	39	48	61	55					53	266
Total	2467	2729	2134	2156	731	222	95	73	2948	37477

Same endorsement. 1 p.

204. xvii. Christenings and Burials in the Leeward Islands 6th Feb. 1716—18th July, 1720.

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	Christenings.		Burials.	
	Males.	Females.	Males.	Females.
St. Christophers	115	49	85	15
Nevis	...	91	82	53
Mountserratt	...	18	28	8
Antigua	...	230	223	311
Total	...	454	382	457
				207

Same endorsement. 1 p.

204. xviii. Petitions for and grants of lands, Antigua, during Governor Hamilton's Government. *Same endorsement. 33 pp.*
204. xix. Representation of Council and Assembly of Nevis to Governor Hamilton. Charles Towne, 11th July, 1720. *Reply to the Memorial of Monsr. D'Iberville concerning the capitulation of Nevis, 1706.* The French first broke the Capitulation. M. D'Iberville put it out of the inhabitants power to execute the 7th Article. They performed their parts to the utmost of their power. The second Treaty, forced upon them contrary to the Law of Nations, was broken by the French as soon as signed etc. *Analyse* misrepresentations in the French Envoy's account of transactions. *cf.* C.S.P. 1706 ff. and following depositions. *Conclude:* As to the charge that they did not furnish the hostages with necessaries, "those four hostages having spent more than 20,000 livres of the fund of the Armament for their entertainment at Martinique etc. it must be confessed that they being left by the enemy in the most miserable and distrest condition they could not presently raise mony for the maintenance of those hostages unjustly taken from them, but as soon as they were able they remitted to Martinique sums sufficient for their subsistance unless they were mostly unjustly and exorbitantly imposed on by the French which is very probable, if the sume of 20,000 livres were truely disbursed by the Armament in their entertainment, but as that sume otherwise exceeds the bounds of all credibility, so it is proved by the deposition of Mr. Philip Dewitt, the only surviveing person of those hostages, that besides one suit of cloaths and two or three shirts aps. once given them dureing their whole stay there was only 4 livres pr. diem for each hostage paid by the Commissary of the Armament, dureing the exact space of 9 months and no more, which amounts but to 4384 livres etc. After this they were thrown into the dungeon with condemned criminals for 10 days being allowed no other sustenance than stinking herrings and farine, for five months following they were allowed at the

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King's charge, 2 livres pr. diem each, after that, at particular times dureing five years, when they had not money of their own they were allowed one pound of salt beefe, and one pint of farine pr. diem each out of the King's stores, which last casual allowance seems fully answered by the wine, beefe and other goods sent from this Island for the hostages, but stoped by the Intendant for the King's use ; besides this those hostages never received anything either from the armament or from the King. Wherefore the whole which they ever received can scarce exceed one fourth part of the said sume of 20,000 livres. Mr. Dewitt together with Mr. Joseph Stanley another of the hostages, since deceased, made their escape from Martinique in Nov. 1714, at which time there had been remitted to Martinique from the Treasury of this Island £2176 7s. 6 $\frac{3}{4}$ d., besides what was sent by the friends and relations of those unfortunate Gentlemen, and since that time there has been remitted for the use of the two remaining hostages (one whereof dyed in 1716, and the other in 1719) £999 2s. 11d. (*v. encl.*) It must therefore appear perfectly incredible that so great a summe could have been expended by the French in the entertainment of those hostages, but if it were so as those gentlemen were carried away by virtue of a capitulation broken by the French and of a convention null and void in the beginning and allso broken, their taking and detention was unjust, therefore the French ought not only to bear the whole charge of keeping them, but allso to repair the injurys thereby done to them, their familys and to this Island. The demand of 140,000 piasters, in lieu of the 1400 negroes, with interest being grounded only on the aforesaid void and broken convention must also fall with that. Lastly the demand of 170,000 livres for the prisoners not restored, no ways concerns this Island as it was in the sole power of her late Majestye to comply with that Article or not it must be supposed that her reason for not restoreing an equal number of prisoners (which whither done or not before the Treaty of Peace does not appear) was because she was convinced that the French had on their parts broke yt. Capitulation. *Quote Sir C. Hedges' letter Aug. 1st, 1706. v. C.S.P. 1706. No. 455.*

(b) *Same to Same.* We hope what we have here set forth will enable your Excellency to return a satisfactory answer to the Board of Trade etc. We beg your recommendation of the inhabitants of this Island as proper objects of H.M. Royal compassion and their

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Lordships' care ; since the many assistances both of men and money given by this to the other Islands and particularly to St. Christophers render'd this Island too weak to defend itself against Monsieur D'Iberville, there being then on it not 400 inhabitants capable to bear arms, and it never received the least help from any other Island *etc.* In 1689 this Island sent near 100 men to St. Christophers to assist the English inhabitants against the French, who, being joined by the Irish rebels of that Island, drove the English intirely off of that Island, and those English to the number of 1100 were billeted on and subsisted by the inhabitants of Nevis during eight months. Five hundred Dutch inhabitants of Eustatia having been the same year driven off of that Island were also subsisted by the inhabitants of Nevis, during the space of 15 months. In the year following this Island assisted the people of St. Christophers to recover that Island with two Regiments of inhabitants commanded by Collo. Pym and Collo. Earle amounting to between 7 or 800 men. Immediately after the reconquering of St. Christophers, this Island sent three companies of it's inhabitants to assist in the Expedition against Guardaloupe, and in 1693, three or four companies to assist in the expedition against Martinique. In 1702 five companies of the inhabitants of Nevis, besides gentlemen volunteers, assisted the English inhabitants of St. Christophers to conquer the French part of that Island ; and in 1703 three companies were again sent by this Island in the second expedition made to Guardaloupe. The whole charge of transporting the men sent on those several occasions was defrayed by the inhabitants of this Island and many of the men never returning again was the occasion of the so great dispeopling and weakening thereof. Yet this Island having never received any help from its neighbours in the time of its distress, labours under the additional misfortune of being supposed liable to the unjust demands of the French left undetermined at the Treaty of Utrecht. We beg your Excellencies favourable recommendation of us *etc.* Signed, Richd. Abbott, Jas. Bevon, Lawee. Brodbelt, Mich. Smith, John Richardson, Jno. Choppin, Cha. Bridgwater, John Pinney. Joseph Symonds, Speaker, Jeremiah Browne, Jos. Hobson, Richd. Brodbelt, William Pym Burt, Pecok(?) Walker, John Dasent, Carew Brodbelt, Robt. Pemberton, Michael William, George Webbe. 10 large pp.

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204. xx. Deposition of Richard Abbott, President of H.M. Council of Nevis. 31st May, 1720. *To the 4th Article of the French Envoy*, saith that no officer in the Militia, but deponent was permitted to march out of the Dodan with any arms whatsoever. He himself rode from thence to town on the 25th March, 1706, with his sword only, and from that time remained a prisoner of war, with other inhabitants under a strict guard until the day the French Fleet departed. *To the 5th Article.* The dwelling house and other buildings of deponent and several other houses in the country part were burnt about the 29th March, by the French. About the same time the women and children were separated from the men, and the men hurried away to the Church in Charlestown, and there kept prisoners under a strict guard, until that Church was in danger of being burnt, in which exigency some were let out but others forced their enlargement from thence and other places in Charlestown where they had been close confined. On 4th April near half of the principal part of the town was laid in ashes, amongst which the house allotted to deponent was one, so that he was obliged to retire to a small out-house above the town etc. *To the 7th Article.* The greatest part of the negroes either surrendered themselves or were taken by the French (excepting such as fled to the mountains and were in an actual revolt bidding defiance to their masters as well as ye enemie) and the French had wholly put it out of the inhabitants power to bring them in, they being kept close prisoners and disarmed. Neither deponent nor any other Officer of the Militia ever received their respective number of negroes capitulated to be delivered to them etc., but Deponent was denied the same by M. D'Iberville who replied that there were several negroes left behind in the Island and that the officers must catch them. No care was taken by the French in preserving the Publick Records of this Island, merchants books or any other private papers, but that several were destroyed by them to the great prejudice of the inhabitants as well as the traders to this Island, nor hath deponent ever heard of any such books or papers that were restored by the French. *To the 10th Article.* A list was delivered to M. D'Iberville of all the inhabitants and nothing refused him that was in their power to do. *To the 11th Article.* M. D'Iberville did not leave the choice of the 4 gentlemen hostages (for surety of the exchange of prisoners) to the option of deponent and other principal inhabitants but took such persons as

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he and his officers thought fit: they were carried to Martinique and there kept prisoners and were, at sundry times, most barbarously treated by the French. They were very considerably furnished, from time to time, with money and other necessaries both from the publick and their particular friends, as can be made appear by receipts ready to be produced. On 6th April 1706, an order was given out, by M. D'Iberville, to summons all the inhabitants about Charlestown and in the country to appear before him at his headquarters, and after some discourse with him he told deponent and several other the principal inhabitants then before him that they had not performed the articles and conditions agreed on, in not delivering up all the negroes in the Island. Whereupon deponent and several others of the principal inhabitants were put on board their man of war threatening to send them to St. Domingo: On April 8th Articles were proposed to them by a Jew D'Iberville sent off, purporting the demand the French made of 1400 negroes to be sent to Martinique or the sum of £42,000 as equivalent, and that if deponent and said inhabitants would agree to the same, they might come on shore and prepare writings accordingly; and about 12 of the clock the same day they were brought on shore and guarded to M. D'Iberville's quarters where in the afternoon certain articles were tendered them to be signed, which some time after deponent and some others of the principal inhabitants did signe: and those who refused were immediately sent again on board and the next day after were brought on shore and were also forced to sign the said Articles. In some few hours after signing D'Iberville shipt off several negroes belonging to Mr. Thomas Cole merchant in Bristol and three or four belonging to Mr. Francis Franklyn, which deponent acquainted M. D'Iberville with, being informed of the same by Capt. Thomas Bridgwater who was present etc. *Signed, Richd. Abbott. 2 pp.*

204. xxi. Deposition of Richard Abbott. 2nd July, 1720. From the time Mr. Thomas Abbott was taken an hostage to Martinique, 1706, to the time of his death, 1716, deponent did at sundry times remitt for his use in money and goods £648 18s. 10d. currant money out of deponent's and Thomas Abbott's estate, besides what was remitted out of the Treasury etc. *Signed, Richd. Abbott. 3 p.*

204. xxii. Deposition of James Bevon, Member of Council of Nevis. 31st May, 1720. *Confirms No. xx. as to the*

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breaking of the 4th and 5th Articles by the French. 24 hours after the Island was surrendered Sir William Stapleton's windmill was burned; deponent's house mill and boiling house were burned to the ground as also those of Walter Tobin. Deponent saw large bodies of French officers and soldiers out after the negroes burning and plundering *etc.* From 26th March (O.S.) till Friday, 6 days before the French left he never heard that M. D'Iberville required the inhabitants to get in the negroes themselves, it being indeed impossible for them to do, being unarmed, but many parties of French soldiers were continually out for that purpose, and could have easily got in all the negroes remaining in the mountain, but M. D'Iberville having received advice of a fleet off Martinique, thought it more for his advantage to send for the inhabitants and extort from them the second agreement *etc.* as No. xx. Deponent at first refused to sign, but was at length forced to do so or else be carried to leeward among the Spaniards. On the day the French departed deponent saw a canoa-load of negroes carried off on board the French sloops, upon which he told M. D'Iberville that he could not expect to be paid if he suffered the negroes to be carried off. Whereupon he said some words angrily in French and stamp't on the floor *etc.* *Signed*, Jas. Bevon. $1\frac{1}{2}$ pp.

204. xxiii. Deposition of James Bevon. 2nd July, 1720. From the time Philip Dewitt was taken as a hostage to Martinique, untill he made his escape in Nov. 1714, deponent did at sundry times remitt to him, for his use, in money and goods £922 2s. 2d. currant money out of his own and Dewitt's estate, besides what was remitted out of H.M. Treasury. *Signed*, Jas. Bevon. $\frac{3}{4}$ p.

204. xxiv. Deposition of James Milliken. 18th May, 1720. After the surrender of the Dodan, M. D'Iberville refused to allow deponent, a Captain in the Militia, to retain his sword. His house *etc.* were burned *etc.* At the time of capitulating at the Dodan, a French Officer (who bore the character of a Major) was sent by the French into the Dodan with articles and an Interpreter. Deponent and all others present objected against the 7th Article, that it was not in our power to deliver our negroes (who being then in the woods and mountain were their own masters). It was answered from the Major by the Interpreter, that M. D'Iberville expected nothing from us but what was in our power: Upon which David Dunbarr, a Captain in H.M. regular troops, took a pen and wrote in the

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margent over against the said Article, these words (So far as in our power). All the negroes were taken by or delivered to the French (except those who made their escape and threatned to kill any of the inhabitants who should approach them, insomuch that M. D'Iberville left arms for the inhabitants to defend themselves from the insolency of the negroes.) *Article ix.* All our papers were destroyed. Deponent saw several large books made use of by the French common soldiers, as saddles. The Publick Records were tossed about and defaced, to the great detriment of the Island. Deponent never heard nor doth beleive that any of the inhabitants took refuge in the Dodan, and that D'Iberville ever put himself in a condition to force them a second time in the Dodan, nor that ever ye principal officers or inhabitants proposed a new treaty to him, but on ye contrary that about ten days after the surrender of the Dodan the several inhabitants were sent for to M. D'Iberville's which this deponent was told that he and several others were then to have the negroes that were promised (at the making the Treaty) as Officers ; but to our great surprise, as soon as a number of us were there, he demanded all the negroes that were out in the mountains and was answered that it was not in our power to deliver him more than what he had : Upon which we were all ordered prisoners into the Church, where we were kept so close, that we were not permitted to ease Nature but in the Church itself *etc* as *Nos. ii. and iv.* Those who at first refused to sign the second Articles were sent back as prisoners on board M. D'Iberville's ship and left in the night to lie in the open air upon the deck. Which usage made us sign the Articles, which we thought ourselves no ways obliged to, but meerly forced *etc.* *Signed,* James Milliken. 2 pp.

204. xxv. Deposition of Robert Eleis, Member of Council of Nevis. 31st May, 1720. *Confirms preceding.* *Signed,* Robert Eleis. 1 p.

204. xxvi. Deposition of John Choppin, Member of Council of Nevis. 31st May, 1720. *Confirms preceding replies concerning the 4th, 5th, and 7th Articles.* The Officers had not liberty to march out of the Dodan with their arms : deponent's boiling house and negroe-houses were burnt by a French Officer and three men the very day M. D'Iberville compelled the inhabitants the second agreement, and, the day after, the dwelling house of Capt. John Dasent was burnt by the enemy. The inhabitants, being kept close prisoners and disarmed, were prevented by the French themselves

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- from compelling the negroes to come in *etc.* *Signed*, Jno. Choppin. $\frac{3}{4}$ p.
204. xxvii. Deposition of Lt. Col. Thomas Butler. 20th May, 1720. *Corroborates No. xxiv.* *Signed*, Thomas Butler. $1\frac{1}{4}$ pp.
204. xxviii. Deposition of Nicholas Burroughs. 31st May, 1720. *Corroborates No. xxiv.* *Signed*, Nicho. Burroughs. $1\frac{1}{4}$ pp.
204. xxix. Deposition of Thomas Bridgwater. 31st May, 1720. *Corroborates No. xxiv.* *Signed*, Thos. Bridgwater. $1\frac{1}{4}$ pp.
204. xxx. Deposition of Jacob Williams, Planter, 21st May, 1720. *Corroborates No. xxiv.* *Signed*, Jacob Williams. $\frac{3}{4}$ p.
204. xxxi. Deposition of James Evans, Merchant, 10th Feb. 1719-20. *Corroborates No. xxiv.* The negroes fled to the mountains of their own accord, soon after the French landed *etc.* *Signed*, James Evans. $1\frac{1}{2}$ pp.
204. xxxii. Deposition of Walter Tobin, Planter. 31st May, 1720. *Corroborates No. xxiv.* *as to* 5th, 6th and 7th and 9th Article. About 200 inhabitants were confined 4 days in the Church, and had neither victuals nor water provided for them; there was not room for a man to lie down. The French soldiers killed several beasts and left their intrails stinking about the Church *etc.* *Signed*, Walter Tobin. $\frac{3}{4}$ p.
204. xxxiii. Deposition of Daniel Stephens, Planter. 31st May, 1720. *Confirms No. xxxii.* *Signed*, Daniel Stephens, *his mark.* 1 p.
204. xxxiv. Deposition of John Faucett, Planter. 31st May, 1720. Deponent, contrary to the 2nd Article, was stripped of all his wearing apparel to his shirt shoes and stockings, some days after the surrender of the Dodan. Some few days before the departure of the French deponent's house boiling house *etc.* were burned by the French *etc.* They burned the boiling houses of John Choppin and Isaac Evans after the surrender of the Dodan *etc.* *Signed*, John Faucett. $\frac{3}{4}$ p.
204. xxxv. Deposition of Philip Dewitt. 25th June, 1720. *Describes* his treatment as a hostage at Martinique *as quoted in No. xix (a).* About 1708 or 1709 4 pipes of wine and 16 barrels of beef *etc.* sent them from Nevis were stopt by the Intendant and put into the King's store. Though deponent was then barefoot he could not so much as obtain a pair of shoes out of the things then sent *etc.* *Signed*, Philip Dewitt. 1 p.
204. xxxvi. An accompt of what money have been remitted to the hostages at Martinique by the Island of Nevis,

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- 1707–1719. Yearly remittances, with dates, amounting in all to £3175 10s. 5 $\frac{3}{4}$ d. *Signed and sworn to by*, Solomon Israel, late Treasurer. 1 p.
204. xxxvii. Copy of Articles of Surrender granted by M. D'Iberville to Col. Abbott etc. v. C.S.P. 1706. Nos. 357. iii., v., vi., vii., ix. *Endorsed as covering letter.* 2 large pp.
204. xxxviii. List of ships etc. and their crews belonging to Antigua, 8th Aug. 1718—8th May, 1720. 3 ships, 2 brigantines, 29 sloops etc. *Signed Jno. Booth, D. Naval Officer.* *Endorsed, Reed.* 20th Oct., 1720. 1 large p.
204. xxxix. Account of the growth and produce of Antigua, 25th June, 1719–1720. Lime juice, 1425 galls. Sugar, 11943772 lb. Cotton, 262710 lb. Ginger, 85980 lb. Lignum vitae, 4710 lb. Fustick, 12000 lb. Rum, 243964 galls. Melasses, 140656 galls. 1 p.
204. xl. Account of growth and produce of St. Christophers, 25th June, 1719–1720. Sugar, 8239138 lb. Cotton, 25901 lb. Melasses, 14491 galls. 1 p.
204. xli. Account of the growth and produce of Nevis, June 25th, 1719–1720. Sugar, 5305086 lb. Cotton, 2045 lb. Rum, 794 galls. Melasses, 25954 galls. 1 p.
204. xlii. Account of the growth and produce of Montserrat, 25th June, 1719–1720. Sugar, 2846356 lb. Indigo, 14069 lb. Cotton, 11789 lb. Pimento, 690 lb. Rum, 5735 galls. Melasses, 64956 galls. *Endorsed as covering letter.* 1 p.
204. xliii. Governor Hamilton's licence of leave to John Yeatmans, member of Council, to be absent for a further six months from Antigua. 20th Aug. 1720. *Signed, W. Hamilton. Same endorsement. Copy.* 1 p.
204. xliv. Similar licence for a further 12 months to Valentine Morris. 29th Feb. 1720. *Signed and endorsed as preceding. Copy.* 1 p.
204. xlv. Similar licence for six months to Edward Warner. 10th June, 1720. *Signed and endorsed as preceding. Copy.* 1 p. [C.O. 152, 13. ff. 83–84v., 86–90v., 91v., 92, 93, 94, 95v., 97–105, 107v.–110, 111v., 112, 113, 114, 115, 116, 117, 117v., 121v.–124v., 125v., 126v.–127v., 128v.–136, 137–138, 139, 140, 141, 142–143, 144, 145, 146, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158–160v., 164–179, 183v., 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194–195, 196–197, 198–199, 200, 201–204, 205–206, 207, 208, 209, 210, 211, 212–218, 219v.–220v., 221v., 222, 223.]

Aug. 22. **205.** Accounts of Treasurer of Antigua, Nov. 1716–10th March, 1720. *Enclosed in Governor Hamilton's letter preceding.* *Endorsed, Reed.* 20th Oct., 1720. 69 large pp. bound in volume. [C.O. 10, 4.]

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Aug. 23. 206. Robert Livingston, Secretary of the Indian Affairs, Albany. to President Schuyler. *Abstract.* Has never known "our condition attended with more melancholy circumstances." Both our own people and the Indians say that we ourselves are the occasion of it. If not remedied, this province and all our neighbours will be involved in incredible destruction. The danger consists chiefly in (i) The Five Nations infesting H.M. subjects to the southward, which I perceive by their letter cannot longer be endured, (ii) the French settling Onjagoro, (iii) the furnishing the French and their Indians of Canada with goods from hence, whereby they not only supply the Indians and engross that trade to themselves, who otherwise must come here to buy them, and by that means secure them to their interest etc. *Proposes* that the Five Nations be prevailed upon to desist from making war that way, or going within the high mountains that cover Virginia, and to go in a friendly way to the Government of Virginia and make a firm peace with all the Indians in allegiance with the Indians, and renew the Covenant chain with that Government at Williamsburgh, where they treated with the Governor last winter etc. Secondly, that the Sachims be prevailed upon to engage their people to demolish Onjagoro and prevent any future settlements there by the French, and that a good gratuity be promised to those that perform this service. "We cannot be ignorant of the great settlements they have made already round about us higher up, and what a noyse ye Mississippi Comp. makes in ye world, who will undoubtedly encourage and assist our rivals of Canada and this being so near bloks us up intirely" etc. Thirdly, a stop be put for three months for all Indian goods going to Canada etc., but encouragement given to those that will go to the Sennekes country and Onjagoro to sell what Indian goods they please to the Five Nations or Far Indians, and that some person that has influence among the Indians be sent with a considerable company to the Sennekes country to keep them steady to the British interest, and defeat the subtle artifices of the French. Finally, whatever we do with the Indians must be in a friendly way, since all our forts are quite rotten and fallen down, and if a war with the Five Nations break out, the best part of the Province will certainly be ruined and we on the frontiers are absolutely undone etc. But the Indians must not be allowed to perceive our apprehension etc. The matter is come to a crisis; we must do or die. It is alleged some are gone and others of the Five Nations are going out against the Southern English settlements and if the blow be once struck it will be a hard matter to heal the breach etc. *Set out*, N.Y. Col. Does. V. 559. $3\frac{1}{2}$ pp. [C.O. 5, 1092. No. 12].

[Aug. 23.] **207.** Answers by Mr. Boone and Col. Barnwell to queries relating to Carolina. cf. Jan. 12th and 29th. *Signed*, Joseph

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Boone, Agent, Jno. Barnwell. *Endorsed*, Reed. Read 23rd Aug., 1720. 9 pp. [C.O. 5, 538. ff. 13-18v]

[Aug. 23.] **208.** An account by Mr. Boone and Col. Barnwell of places proper for garrisons in Carolina, which must be done speedily etc. *Signed and endorsed as preceding.* 3 pp. [C.O. 5, 538. ff. 19, 20v.]

[Aug. 23.] **209.** An account of distances between and communications of several settlements and rivers in S. Carolina. *Endorsed*, Reed., from Mr. Boone and Col. Barnwell, Read 23rd Aug., 1720. 1 p. [C.O. 5, 538. ff. 21, 22v.]

[Aug. 23.] **210.** Mr. Popple to Sr. R. Raymond, Attorney General. Whitehall. *Encloses* papers relating to the proceedings against the Charter of the Proprietors of Carolina, "which have been lodged in this office etc." List annexed. [C.O. 5, 400. pp. 27-29.]

Aug. 23. **211.** Mr. Worsam to Mr. Gordon. Encloses accounts of the trade between H.M. and the foreign Plantations, 1715, "when that trade was in its infancy and when it was belivd illegall but since they had Sr. Edward Northey's opinion they have especially in sugar rum and molasses traded for above 3 times as much every year" etc. *Signed*, R. Worsam. Mem. The accts. abovemention'd were return'd to Mr. Gordon. *Endorsed*, Reed. Read Aug. 23, 1720. 1 p. [C.O. 323, 8. No. 14.]

Aug 23. **212.** Mr. Pulteney to Mr. Popple. *Encloses* copies of Ordinances relating to trade of foreigners with the French Colonies 1681 and Aug. 1698 etc. *Continues* :—This Ordinance is in English in a Treatise of the Dominion and Laws of the Sea, which I think is in your office etc. Requests copy of Board's report on this subject. *Signed*, D. Pulteney. *Endorsed*, Recd. Read 5th Sept. 1720. 1 p. [C.O. 323, 8. No. 15.]

Aug. 24. **213.** Governor Sir N. Lawes to the Council of Trade and Plantations. Since I had last the honour to write, we have had a short Sessions of Assembly. I found that after they had come to several resolutions on the public affairs, especially with respect to the better peopleing the Island, a recess would be agreeable to them, which I was willing to gratifye them in. I therefore with the advice of the Council adjourned the Assembly till the 4th Oct., the Minutes of the last Sessions and also that of the Council your Lordships will receive herewith. The most materiall matters in them is an agreemt. I have made with an Indian King, for a number of his people to come and scour our woods from the rebellious and runaway negroes, who are often very troublesome to us, and as this has been judged both by the Council and Assembly a better and cheaper expedient than the sending out of parties to suppress them so I hope it will have the desired effect. I have likewise with the advice

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of the Council and Assembly sent proposals to the people inhabiting Anguilla and the rest of the Virgin Islands to move with their negroes and effects and come and fix in this Island where they can have much better land and a greater quantity and likewise much securer from an enemy than where they are now settled ; if they agree to the proposalls I have sent them, 'twill prove of great service to this country in generall, but more particularly to the strength and security of the eastermost part of it, where I intend to settle them, beleiveing there may be found there a convenient tract of land remaining in the gift of the Crown to grant them, and I make no doubt but your Lordships will approve of my proceeding and conduct in this affair as well as in that of the Musquito Indians. About a month agoe the *Adventure* man of warr arrived here, and as she left England after the publication of the Cessation of Arms with Spain I was in hopes to have reed. by her some directions from your Lordships or from the Secry. of State in relation thereto ; but as I have not hitherto reed. any commands concerning the publication thereof, it put me for some time under a dilemma in what method to proceed. Comadore Vernon sent me one of H.M. Proclamation and acquainted me he had directions from the Admiralty to observe the same, this I communicated to the Council and they were of opinion that I should cause the said Proclamation to be published here, which was accordingly done on the 26th of last month, and I have taken all proper steps for the calling in of our privateers, and have acquainted the Spanish Governors in these parts with it. But tho' I have already given most of them notice of the suspension of arms and that a Peace was speedily to ensue ; yet the Spaniards continue dayly to molest our coast and commit depradations by robbing several of our remote settlements, and this is cheifly done by vessels fitted out from Trinidad on Cuba, and I am credibly informed all the time of last Peace the Alcades or Magistrates of that place paid no regard to the Treaty, and that vessels with pretended commissions were fitted out from thence who constantly were a robbing and plundering our remote Plantations and takeing all our ships and vessels they could make themselves masters of, and that restitution had been severall times demanded in due form but to no effect, so that it was computed this Island had suffer'd more in time of peace than dureing the whole course of the late warr, and now the people of Trinidad are beginning their old course of life, for notwithstanding I sent them timely notice of the suspension of arms, it was but the other day they carried off from our Plantations a considerable number of negroes, and they give out in speeches, that this is the time of their harvest ; I beg your Lordships will lay this matter before H.M. for we lay under the greatest hardships imaginable if our hands are tyed up and not allowed to make reprizals, and they suffer'd to go on in their evil courses. *Repeats* reasons for

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insisting upon right of cutting logwood in the Bay of Campeachy etc. *Continues*: Since the calling in of our privateers, I find already a considerable number of seafareing men at the Towns of Port Royall and Kingston that can't find employment, who I am very apprehensive, for want of occupation in their way, may in a short time desert us and turn pyrates. So that I impatiently wait your Lordships' answer etc. By the last accts. I had from Providence the Governor there was much under the same apprehensions of most the inhabitants there turning pyrates, so that there is a dismal prospect of the trade in these parts, if some method is not found out to employ our seafareing people, and I know of none so good or woud be more agreeable to them than that of the Bay of Campeche. *Refers to enclosures.* Signed, Nicholas Lawes. Endorsed, Recd. 31st Oct., Read 2nd Nov., 1720. 4 $\frac{3}{4}$ pp. Enclosed,

- 213. i. Governor Sir N. Lawes. Speech to the Assembly of Jamaica, June 24, 1720. *Same endorsement.* Printed. 1 p.
- 213. ii. Address of the Assembly in reply to preceding. *Same endorsement.* Printed. 1 p.
- 213. iii. Governor Sir N. Lawes Speech to the Assembly, June 28, 1720. *Same endorsement.* Printed. 1 p.
- 213. iv. Address of the Assembly in reply to preceding. *Same endorsement.* Printed. 1 p.
- 213. v. Governor Sir N. Lawes' Speech to the Assembly, July 8, 1720. *Same endorsement.* Printed. 1 p.
- 213. vi. Address of the Assembly in reply to preceding. July 9, 1720. *Same endorsement.* Printed. 1 p.
- 213. vii. Copy of proposals sent by Governor Sir N. Lawes to the inhabitants of Anguilla for settling in Jamaica, where they will be allotted 10 acres of good land for each in family; sent through Capt. Robert Jones. *See covering letter.* Signed, Nicholas Lawes. *Same endorsement.* 1 $\frac{1}{2}$ pp.
- 213. viii. Articles of agreement made 25th June, 1720 between Governor Sir N. Lawes and Jeremy, King of the Musquito Indians on the mainland. Jeremy undertakes to bring 50 Indians for six months to pursue rebellious negroes in the woods and mountains. The men to be paid 8 pieces of eight or 40s. current money per head etc. etc. Signed, Nicholas Lawes, Jeremy, King of the Musquitos. Totem mark. *Same endorsement.* 3 pp.
- 213. ix. Accounts of H.M. Fortifications at Jamaica, March 25, 1720. Signed, Richd. Mill, Recr. Genl. *Same endorsement.* 2 pp.
- 213. x. Account of H.M. Revenue Receiver General, 25th March, 1720. *Signed and endorsed as preceding.* 6 pp. [C.O. 137, 13. Nos. 44, 44. i-x.]

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- Aug. 25. **214.** Lt. Governor Hart to the Council of Trade and
London. Plantations. Replies to Queries proposed to him by the Board
10th Augt. (i) Maryland is situated in the center of the British
Plantations. The climate is unhealthy, especially to strangers,
occasion'd by the excessive heat in summer, and extream cold
in winter; the vernal and autumnal quarters are attended
with fevers, plurisies, etc. The inhabitants are generally a well
natur'd and most hospitable people; and much the greater
part, zealously affected to H.M. Government and the Pro-
testant interest. The soil is of different kinds, but most of it
sandy and of various colours: which when cultivated with
little labour gives a vast increase, and produces all things
necessary for life, that Great Britain affords; with which the
inhabitants plentifully provide for their subsistence, and might
have sufficient to vend at foreign marketts but that the making
of tobacco employs all their time and care. This Province has
many great and navigable rivers etc. Forest trees are large
and tall, as in any part of the Continent, etc. (ii) Maryland is
bounded by Pennsylvania, the river Pattowmeck, Delaware Bay
and the main ocean, and, on the west by the meridian line of the
first fountains of the River Pattowmeck—which has not yet
been discovered. (iii) The Lord Baltemore is hereditary
Governor, etc. (iv) From the time H.M. has been pleas'd
to restore the Lord Baltemore to his Government, it is adminis-
tered in the same manner, as when I had formerly the honour
to be Governor by commission immediately from the Crown,
save that in the enacting of laws, holding of Courts, issueing
of process, and granting Commissions, the Lord Proprietor's
name is solely made use of: as was always done by his Lord-
sp's. noble ancestors: the Crown having made no reservation
in the grant of that Province; the faith and allegiance of
the people, and sovereign dominion thereof excepted. (v)
Tobacco is ye principal trade of the Province, thence exported
to Great Britain; and some to the Plantations; as also grain,
beef, pork, and lumber; for which they have in return rum and
sugar. To Madeira with corn, for wine; But this article is
for ye most part purchased by bills of exchange. The number
of shipping is uncertain, that depending on the quantity of
tobacco made in the country. But for some years past, there
has been about 100 sail of ships from G. Britain; which com-
puted at 130 tons each, makes 13000 tons: and allowing 16
men to each ship, is 1600 seafaring men. The Province have
only 4 small brigantines owned in the country, and not more
than 20 sloops from the sea: The inhabitants are not inclin'd
to navigation, but depend on British bottoms, for export and
importation of the bulk of their trade. (v) They wear the
like clothing and have the same furniture for their houses with
those in G. Britain: The slaves are cloathed with cottens,
kerseys, flannel and coarse linnens all imported; and by the

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best computation I coud make there is consumed of British manufactures about £20,000 pr. ann. (vi) This Province trades with no foreign Plantation besides Madeira for wine ; nor to any part of Europe but Great Britain, except Lisbon when corn is scarce, for which they have returns in money. (vii) Besides the Instructions given the Governor by the Crown, H.M. has Collectors of the Customs, Surveyors and riding officers to prevent illegal trade : and I do beleive the same to be effectual. (viii) Tobacco is the staple commodity, which is exported to Great Britain to the number of 30 to 35,000 hhds. per ann. Whilst tobacco answers in its priece the planters' labour, all manufactures, or trade that may arise from the produce of the country are laid aside as it is at this time. (ix) No mines are yet discover'd, except iron of which there is great quantity of oar, but none worked, for want of persons with a sufficient stock and skill to undertake it. (x) The annual produce of the commodities of this Province is computed at £150,000 in their favour, free of all charges. (xi) Number of white inhabitants, 1719, 55,000 ; of blacks, 25,000. (xii) The inhabitants are much increased of late years ; by those born in the country ; by the rebels imported from Preston ; by the great number of convicts ; by the purchase of slaves and by many poor families, who transport themselves from Ireland. (xiii) Militia, about 8,000 well arm'd and excellent marksmen. (xiv) There are no forts nor places of defence : But I have, at the publick charge, lately built a large magazeen at Annapolis, which is well provided with spare arms for 1200 foot and 600 horse, with great quantity of ammunition ; to maintain which and to make a further provision of arms etc. there is a duty of 3d. per hhd. laid by Act of Assembly on all tobacco exported. (xv) The Indians who dwell within the inhabitants do not exceed 500, with whom I have always liv'd peaceably ; nor cou'd I learn they ever offer'd any injury to the English, unless first provoked ; then their revenge is secret and bloody. (xvi) What the number of the neighbouring Indians are is not certainly known ; but reported to be many formidable nations. Maryland has little commerce with the Indns., being a Peninsula, so I was only careful to make those on the frontiers my freinds, by which the Province enjoy'd a perfect tranquility during my Government. (xvii) There are no Europeans nearer than the Spaniards at St. Augustines ; and the French on Mississippi to the Southward ; and on the Lakes, and at Canada, to the nor'ward. (xviii) I have not heard of any ill effects the French settlements on the Continent to the Southward, has, as yet, on H.M. Plantations ; save that the French use all imaginable arts to engage the Indians in their interest ; the consequence of which is too obvious, to admit of a comment to your Lordsp's. (xix) There is no Revenue arising to the Crown, all royalties being in the Lord Baltemore,

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to whom the profits are appropriated. (xx) The provision for the support of a Governor is by a duty of 12d. per hhd. on all tobacco exported, and 3d. per ton. on all ships and vessels entring; both these duties are by Act of Assembly. The other extraordinary charges of the Government are provided for by ye Assembly. (xxi) The establishment both civil and military within that Government, are under the same regulation, as when the respective Governors held their Commissions, and had their Instruction immediately from the Crown: save, that all commissions are now given by, and in the Lord Proprietaries name. There are no patent officers who hold immediately from the Crown. *Signed*, Jo. Hart. *Endorsed*, Reed. 26th Aug., Read 30th Nov. 1720. 6 $\frac{3}{4}$ pp. *Enclosed*,

214. i. 21 Queries from the Council of Trade and Plantations to Lt. Governor Hart relating to Maryland, answered in preceding. 3 $\frac{1}{2}$ pp. [C.O. 5, 717. Nos. 84, 84.i.]

Aug. 30. 215. Mr. Bampfeild to Mr. Popple. *Prays that Act of Barbados to confirm certain deeds of lease and release between Robert Lowther and Lady Lonsdale etc.*, may be laid before H.M. for confirmation as soon as may be. *Signed*, Geo. Bampfeild. *Endorsed*, Reed. Read 6th Sept., 1720. *Addressed*. 1 p. [C.O. 28, 15. No. 97.]

Aug. 30. 216. Mr. Popple to Mr. Carkesse. Asks for copies of Naval Officers accounts of entries and clearances, Carolina, for past three years etc. [C.O. 5, 400. 30.]

Aug. 30. 217. Council of Trade and Plantations to the Lords Justices. Whitehall. Representation enclosing following and proposing measures necessary for the defence of Carolina. *Set out*, N.C. Col. Rec. II. 393. *Enclosed*,

217. i. Draft of Instructions for a Governor of Carolina.

217. ii. Instructions for same relating to Acts of Trade and Navigation. [C.O. 5, 400. pp. 31-125.]

Aug. 30. 218. Mr. Popple to Mr. Tilson. *Reply to 17th Aug.* As Whitehall. the Lords Commissioners for Trade and Plantations are not acquainted with what are the proper fees for the Attorney and Sollicitor Genl. in matters relating to the Crown, they are of opinion it would be more for the publick service if the Sollicitor of the Treasury should have their Lordships' directions to attend the Attorney or Sollicitor Genll. with such references as the Board shall have occasion to make to them. Ask that directions be given accordingly. [C.O. 389, 37. pp. 189, 190.]

Aug. 30. 219. Mr. Pulteney to Mr. Popple. I had this afternoon a Conference at the Archbishop of Cambray about the affair of Canceaux etc. *Refers to letter to Mr. Delafaye (v. Sept. 8th.) Desires to be informed*, whether ye French fish[ery] at Cape

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Canceau, and if they have their huts or settlements there for curing their fish, or if this is done at the small islands of Canceau which lye at some distance ; I am apt to believe the first ; the extract Mr. Delafaye sent me of the board's representation saying the French fishery at Canco ; but under an uncertainty I thought it best to insist on the excluding them even from the little Islands ; it would likewise be of use to me to know as exactly as possible the situation of the Island of Sable with respect to Cape Breton and to Nova Scotia, the situation of those Islands of Canceau in the same respects, and if what we call Cape Canceau, is really an Island detached from the mainland of Nova Scotia, as I fancy the french will pretend ; Captain Smart who was employed last year in disturbing the French fishery and settlements at Canceau may, if he is in England, give you the most perfect accounts of this matter. *Acknowledges letter of 25th. No signature. Endorsed, Reed. Read 5th Sept., 1720. Holograph. 1 $\frac{3}{4}$ pp. [C.O. 217, 3. No. 7.]*

Sept. 1. **220.** Mr. Delafaye to the Council of Trade and Plantations. Whitehall. I have laid before the Lords Justices your representation of the proper measures to be taken for the security of Carolina and Nova Scotia. Their Exeys. judging that care should likewise be taken at this time to preserve our Settlement upon the Island of Providence, direct that you report the state of it, and what immediate supplies they may stand in need of etc. *Signed, Ch. Delafaye. Endorsed, Reed. 2nd. Read 5th Sept., 1720. 1 p. [C.O. 23, 1. No. 26.]*

Sept. 5. **221.** Mr. Popple to Samuel Buck. The Board desires to Whitehall. speak with the Lessees of the Bahamas, etc. v. 1st Sept. [C.O. 24, 1. p. 48.]

Sept. 7. **222.** Mr. Popple to Mr. West. Encloses for his opinion Whitehall. in point of law Act passed in Barbados 1716, to confirm and make more effectual certain deeds or indentures of lease and release bearing date 1st and 2nd of March, 1707, and made or mention'd to be made between Robt. Lowther and Joan his wife of the one part, and the Rt. Honble. Kath. Viscountess Lonsdale etc. of the other, and to confirm an indenture, 1714, made between the Honble. John Frere and Robt. Lowther and his wife, widow of Robert Carleton etc. [C.O. 29, 14. pp. 80, 81.]

Sept. 8. **223.** Mr. Delafaye to the Council of Trade and Plantations. Whitehall. Refers to enclosures. Continues : The Lords Justices direct that you endeavour to procure the chart and informations desired, etc. *Signed, Ch. Delafaye. Endorsed, Recd. 8th. Read 13th Sept., 1720. 1 p. Enclosed,*

223. i. Extract of letter from Mr. Pulteney to Mr. Delafaye. Paris, Sept. 10th (N.S.) 1720. I was this afternoon

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with Sir Robt. Sutton at a Conference in the Archbishop of Cambray's apartment, upon the affair of Canceaux. The Archbishop had with him Monsr. Peque his first Commis, Monsr. Rodeau the Commis of the Marechal d'Etrees, and a captain or master of a ship who has been in those parts of America. We founded our right to the Islands of Canceaux on the Treaty of Utrecht which gives Nova Scotia, and all Islands belonging to it, to the Crown of Great Britain for ever, except Cape Breton and the Islands lying in the mouth of the River of St. Laurentz and in the Gulph of the same name; we said, the Islands of Canceaux were comprehended in the general cession of Nova Scotia as depending on it, and were not excepted with Cape Breton, as not being situated in the mouth of the River, nor in the Gulph of St. Laurentz, but lying very near the coast of Nova Scotia, and joyning almost to the Cape of Canceaux; our demand for excluding the French from the fishery there was founded on the Treaty of Neutrality in America as well as on that of Utrecht, the first declares that they are not to fish anywhere on our coasts, the latter expressly restrains them from fishing on the coast of Nova Scotia within 30 leagues beginning from the island of Sable inclusive and stretching to the South West. The Archbishop's assistants claimed a right to the Islands of Canceaux because they are not named in the cession of Nova Scotia, whereas in the cession of Newfoundland it is said we are to have all the Islands adjacent to it, but we shewed in the Article of Nova Scotia, that we are to have *tout ce qui depend des dites terres et isles de ce pais là*; they then endeavoured to include those islands in the exception with Cape Breton, as being *dans l'emboucheure du Golf de St. Laurentz*; the Latin Treaty says—*insula vero Cape Breton dicta et aliae quævis tam in ostio fluvii Sti. Laurentis quam in sinu ejusdem nominis—* The French runs—*Mais l'Isle dite Cape Breton et toutes les autres quelconques situées dans l'emboucheure et dans le Golf de St. Laurent.* They would have the *emboucheure* relate to the Gulf and not to the River as in Latin, and Monsr. Rodeau to support this, said, that the mouth of the River and the Gulf were the same thing, and therefore *emboucheure* must necessarily relate to the Gulph; they pretended too that the French Treaty is the original, and the only rule to proceed by, tho' they were told that the Latin must certainly be our rule, and ought to be theirs in this case, being clear and plain, whereas the French could

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not properly bear the sense they put upon it, but that there seemed to be an omission, perhaps in the transcribing, of the words *du fleuve* after *l'emboucheure*; however allowing the French in their sense we said the Islands of Canceaux which lye without the Gut of Canceaux, cannot be reckoned *dans l'emboucheure du Golf*, the *emboucheure* being properly between Cape Breton and Newfoundland the great passage to Canada. Monsr. Rodeau would have it that there are three *emboucheures* to the Gulf, and the Gut of Canco is one; the Captain pretended that the whole space between Cape Canco and the extremity of Labroder, in which space lye the Islands of Cape Breton Newfoundland and others, was properly the *emboucheure du Golf*; Monsr. Pequé went further and maintained that Cape Breton and the Islands of Canco (which by their accounts are four leagues, and by ours 7 leagues distant from it) are in the Gulf itself, from these words *l'Isle de Cape Breton et toutes les autres quelconques situees dans l'emboucheure et dans le Golf de St. Laurentz*; but tho' this was merely a quirk on the word *autres* and might as well serve to place them in the mouth of the River; the Archbishop himself seemed to think this observation was very material. As to the fishery they acknowledged the exclusion of 30 leagues from the Island of Sables but were for placing this Island where it might best answer their purpose and instead of drawing the line from thence to the South West, had drawn one, in a map they shewed us, to the South East, and another towards the West directly to the coast of Nova Scotia, so as to cutt off a considerable part of that coast near Cape Canco, and they pretended a right of fishing any where even at Cape Canco without and to the northward of that line. They would not allow that by the Treaty of Neutrality or by that of Utrecht they are excluded from fishing on our coast, tho' in forming the Article of that of Utrecht relating to the Fishery, the French themselves had proposed these words—Regis Christianissimo subditis in posterum prohibitum sit, in dictis, insulis, maribus, sinibus aliisve locis ad littus Novae Scotiae sive Acadiae spectantibus, piscaturam exercere—and our Ministers added the clause about the 30 leagues. They plainly told us, that when they came to treat of the limits of Nova Scotia, they will insist on having that part of the land which is southward of their line, they said too that they had formerly Governors at Cape Canceaux, which they make a cut of Island independent of the Governor of Acadia,

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and they give us likewise to understand that they will pretend to confine our limits of Nova Scotia to that part only which makes a Peninsula. We did not think it proper at this time to enter into any dispute on this subject. I need not trouble you with all the answers we gave to their several pretensions about Canceaux and the fishery ; we insisted on the Islands of Canco because it removes the French still further from our coasts tho' I fancy the complaint against them is for fishing at Cape Canco itself, but as this was not plainly distinguished in the papers sent to me, which said only Canco in general, we thought it safest to demand the most, especially since the Islands are not far distant from the Cape. The Archbishop seemed to sit by as an Arbitrator, but whenever he put in his word did not do it as an impartial one. He proposed at last to put something in writing as the resultat, of this conference and as taking it to be on the foot of the Commission, but we said we had particular orders on this subject and were to desire an immediate resolution from the Regent to whom the Archbishop was to report what had been said on both sides ; we expect an answer in writing to the Memorial Sr. Robert Sutton gave in, and we shall make a reply. It had been proposed at the Treaty of Utrecht to divide Cape Breton, the South part for us, the North part for the French, and I remember in a letter of Lord Bolingbroke's on this subject that he says, that if the French insist upon the whole Island it must be with a view to disturb our settlements of Nova Scotia ; what are we to judge of their insisting on Islands which lye much nearer than Cape Breton does to Nova Scotia, and even claiming part of the Continent of Nova Scotia. *Same endorsement.* $5\frac{1}{2}$ pp.

223. ii. Extract of letter from Sr. Robert Sutton to Mr. Secretary Craggs. Paris, Sept. 16th (N.S.), 1720. *Describes conference as above, writing Pequé, Pecquet, and Rodeau, Renaudot. Continues:* We had a sort of tumultuary conference, the design whereof we clearly perceived to be no other than to justify the French fishery, and maintain their claim to the said Islands, in order to wh. they had framed false charts, in which they had placed the Islands near the middle of the mouth of the Gut between Acadia and Cape Breton, and drawn a line from the Island of Sable N.W. according to their compass cutting the coast of Acadia a good way to the S.W. of Cape Canceaux, by which means they endeavour to shew that the fishery about the Cape belong'd to them, and some

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of them went so far as to insinuate, that a district of ground at the Cape, where they said about 40 French familys were settled, is not part of Acadia, because there has been a separate French Govr. of Cançeaux, Cape Breton and the other Islands of the Golph of St. Lawrence. After we had detected and expos'd these fallacies, they contended, that all the Islands in the mouths of the said Golph were left to them by the Treaty of Utrecht, for proof whereof they alledg'd the words of the 13th (*v. preceding*). When we had beaten them out of this retrenchment, they were reduc'd to the necessity of maintaining, that the Islands in question are in the Golph of St. Lawrence, and are consequently to remain to France, reckoning the said Golph to be all the sea and streights contain'd within lines drawn from one of the outmost Capes to another, by wch. rule indeed according to their mapps, the said Islands are situated in the Golph. We used all the arguments we could to disprove this assertion, and their way of opening so wide the jaws of the Gulph of St. Lawrence : We told them we had always understood, that a sinus or Golph is a space or extent of sea incompass'd by land, the mouth whereof is formed by the two opposite points of land, wch. advance into the sea nearest to one another. That besides the Islands of Cançeaux were manifestly ceded to Great Britain with Acadia, to wch. they had always belong'd, being close to the coast of that country. The Archbishop of Cambray said, that a report of the Conference shou'd be made to the Duke Regent to the end that he might take his resolution thereupon. But we insisted, that if they still had anything to object agst. the reasons we had alledg'd to prove our right to the Islands, it shou'd be done by way of answer to the Meml., wch. I had presented upon that subject, reserving the liberty to reply to their answer. We took our leave with telling them, that we hoped they were convine'd of the King's right to the Islands of Canceaux, and that we insisted on the same for the reasons wch. we had given, reserving to ourselves to produce such other proofs, as we may be supplied with from England, to set the matter in a clearer light, *etc.* We shou'd have been better enabled to make our rights clearly out, if we had been provided of a true chart with a compass and scale shewing exactly the situation of the Islands of Cançeaux, and the true distancees of the several islands, capes and countrys, wch. fall under our view and consideration. I cannot say, we find the French much dispos'd to give up their

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unreasonable and groundless pretension. But if it be of importance to Great Britain to use the means necessary to exclude the subjects of France from fishing at the Islands of Canceaux, and you judge it requisite for that purpose to demonstrate our right more fully and plainly than we have hitherto done we shall enforce our proofs with such further arguments, as you shall please to furnish us. *Same endorsement.* 4 pp. [C.O. 217, 3. Nos. 8, 8. i., ii.; and (without enclosures) 218, 1. p. 473.]

Sept. 8. **224.** Mr. Buck and the Copartners for settling the Bahama Islands to the Council of Trade and Plantations. *Describes* expence they have been at in clearing the Islands of pirates and preparing defences against the Spaniards, who lately attacked the Island of Providence with 5 men of war, 3 brigantines and 11 sloops with 1400 regular troops of whch. design ye Governour haveing had timely notice he had given out armes and amuunition to above 700 men of ye inhabitants, who drove off ye Spaniards that landed and forced them to cutt and put to sea. They still threaten the Island. It is necessary to have a fort of about 12 large cannon built upon Hogg Island, for the security of the harbour, and to add a line of 12 large cannon to the fort already built on Providence. The inhabitants have been often in armes, and upon this late occation kept under Martiall Law above two months, whch. has expended most of the ammunition and provisions, the Lessees did about two months agoe send out a supply of provisions for the garrison inhabitants and above 70 Spanish prisoners of warr with some powder in ye shippes *Providence* and *Samuel* with 40 recruits and other passengers about 100 in number. The Lessees have great reason to apprehend that the pirates they have routed out, whoe are now groun strong in those parts, intend to collect their whole strength in order to give them what disturbance they can and they cannot defend themselves against so powerful an attempt without the assistance of the Government haveing already expended much greater sums then have ever yett been layd out by any private Adventurers upon so small incouragement etc. *Pray for* the despatch of an Independant Company, 24 pieces of cannon, 2 ten inch mortars, 500 barrels of powder and ammunition etc. *Signed* for ye rest of ye Lessees and selfe, Sam. Buck. *Endorsed, Recd.* Read 8th Sept., 1720. 1½ pp. [C.O. 23, 1. No. 27.]

Sept. 9. **225.** Council of Trade and Plantations to the Lords Justices. Quote from preceding Memorial, and *recommend* despatch of stores of war requested therein. [C.O. 24, 1. pp. 49-53.]

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- Sept. 13. **226.** Mr. Delafaye to the Council of Trade and Plantations.
 Whitehall. *Encloses following. Concludes:*—The Lords Justices direct that you enquire into this matter and report the state of it with your opinion what is proper to be done therein. *Signed,* Ch. Delafaye. *Endorsed,* Recd. 15th. Read 20th Sept., 1720.
 1 p. *Enclosed,*

226. i. Order of King in Council, 9th May, 1719. Ordered that the French vessels seized by Capt. Smart at Canso but detained by the Governor of New England, although condemned, be restored to Capt. Smart to dispose of them and their cargo and the produce to be divided among the officers and company of H.M.S. *Squirrel.* *Set out,* A.P.C. II. No. 1314. *Signed,* Robert Hales. *Endorsed as preceding.* 3 $\frac{1}{4}$ pp. [C.O. 217, 3. Nos. 10, 10. i.; and (without enclosure) 218, i. pp. 477, 478.]

- Sept. 13. **227.** Governor Hamilton to the Council of Trade and Plantations. *Refers to letter etc. of 22nd Aug. etc., duplicates whereof I have directed to be made out in order to be sent by some other conveyance. Sends answers to queries relating to St. Philips' parish etc. I have had an account of the death of Antony Fox, a Member of the Council of Montserrat etc. Recommends Nathaniel Webb, Collector of the said Island, to succeed him, being well affected to H.M. etc. Signed,* W. Hamilton. *Endorsed,* Recd. 28th Dec., 1720. Read 6th July, 1721. 1 p. *Enclosed,*

227. i. List of papers following. *Same endorsement.* 1 p.
 227. ii. Minutes of Council and Assembly of Antigua, forwarding following replies. 20th July, 1720. 3 pp.
 227. iii. Replies of the Parishioners of St. Philips to (a) who are for, (b) who are opposed to the building of a new parish Church. *Endorsed as covering letter.* 3 $\frac{1}{4}$ pp.
 227. iv. List of parishioners for and against building the new Church, with the number of acres and slaves they own. 53 against, 18 for. Acreage and slaves nearly equal. 22nd Aug., 1720. 2 pp.
 227. v. Representation of several parishioners of St. Philips to Governor Hamilton in favour of the new Church. *Same endorsement.* 15 Signatures. 3 pp.
 227. vi. Minutes of Council of Antigua, 23rd Aug. 1720. Upon reviewing above replies, the Council were of opinion that the answers of those in favour of the Church were true, whilst some of those by opponents were false and malicious. Particularly the town of Willoughby Bay is not a place of trade as therein set forth, but decayed and inconsiderable etc. *Same endorsement.* 1 p.

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227. vii. Plat of the Parish of St. Philips, Antigua. *Same endorsement.* 2 pp.
227. viii. "A large Chart of the Island of Antigua," received from the Council of Trade and returned back by Governor Hamilton with corrections and explanations. *Same endorsement.* 1 large p.
227. ix. Corrections of above Chart. *Signed,* John Teatt, Surveyor Genl. *Same endorsement.* 1 p. [C.O. 152, 13. ff. 231, 231, 232v., 233, 234v., 235, 236, 237, 238, 239, 240, 241–244, 245v.–246v, 247v.–250v.]

Sept. 13. **228.** Order of Lords Justices in Council. Referring draft ^{Whitehall.} of Commission and Instructions for the Governor of Carolina to the Attorney and Solicitor General for their opinion on Thursday next. *Signed,* Edward Southwell. *Endorsed,* Reed. Read 11th Jan., 172⁰. 1 p. [C.O. 5, 358. ff. 61, 62v.]

Sept. 14. **229.** The Governor and Company of H.M. English Colony ^{New Haven.} of Connecticut to the Council of Trade and Plantations. In obedience to your Lordships commands which I communicated to the General Assembly, it was ordered that a map of the Colony, should be drawn and transmitted to your Lordship; Which map is herewth. humbly offered; and should have been sooner, but that it required a considerable time to take an exact surveigh of the Eastern and Southern bounds, so far as we have been able to proceed. Your Lordships will observe that the lines on the North, and on the West, don't agree with the bounds in our Charter. On the North, the Province of Massachusetts, come within the true line of division between them and us; and take out of this Government, the towns of Woodstock, Enfield and Suffield with some part of Springfield and Westfield, which are therefore noted with red lines in this Chart. On the West, the Province of New York have carried their claime and Government quite thorow this Colony from South to North, and cutt us asunder 20 miles East of Hudsons River, which is therefore noted by a red line parallel to that River, and at 20 miles distance from it. The Colony of Rhode Island, has for several years, claimed the Narrogansett Country, which lies in the Eastern part of this Colony. And we have been obliged to content ourselves with what is left us, tho' but a small part of what is comprised in our Charter. But in that small part, we are free from the intrusions of any forreigners. Our regard to peace, and desire to live in a good understanding with our neighbours, has prevail'd with us to content ourselves, under what is claimed and held by the Provinces of Massachusett Bay and New York; But, as to Narroganset which is claim'd by Rhode Island, if we should loose that country, which was settled by orders and grants from the Government of this Colony, in many parts of it, many years since, it would be a great

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prejudice to the Colony. Which we humbly beg yr. Lordships leave to suggest, because, (as we understand) the Government of Rhode Island is making application to H.M., that they may be allowed in their pretensions to ye Narrogansett Country. If they should proceed in that application, as your Lordships will have consideration of it, so, we make no doubt, but that we shall be able to give your Lordships entire satisfaction that the whole Narrogansett country belongs to this Colony, as is shewn in the map *etc.* That the boundaries on the North, and on the West, do at all vary from those fixed in our Charter, is purely from our submission to considerable loss, rather than live in contention with the adjoining Provinces, of Massachusett and New York, whom we could not prevail with to settle the dividend lines between them, and us, without such compliance on our part. *Signed*, Gordon Saltonstall. *Endorsed*, Recd. 7th, Read 14th Feb. 172 $\frac{1}{2}$. For map enclosed *vide* Book of Maps. 2 pp. [C.O. 5, 1266. ff. 3, 3v., 4v.]

Sept. 14.
Albany.

230. The Mayor, Recorder, Aldermen, Commissioner for Indian Affairs and Justices, on behalf of the Inhabitants of Albany, to the President and Council of New York. *Represent* the deplorable condition of the Frontiers. The Five Nations are in a staggering condition, the French partly by threats and partly by presents and fair means having obtained such an awe and influence over them that the principal Sachims of one of the Sinneke Castles called Ounahee have given a large belt of wampum to the Governor of Canada to pitch out a place for them near him when they shall go, setle and remove, which the said Governr. has already laid out between Lapreerie and Chamby near Montreal some Sachims and Indians of that Castle are already gon in order to setle there, and in short many shall follow their example if not speedily prevented. Tho' the other Indians of the Five Nations are wel enough inclined to the British interest they dare not oppose the French in any of their designs as is manifest by thier suffering the French to setle above the carrying place of Iagara at Ochsweegee and also to suffer them to make another settlement below the great Falls of Iagara this summer the only passage the Five Nations must unavoidably use when they go and come from hunting and that all the Far Indians must use in carrying on the trade so advantagous to H.M. interest and his subjects in these parts *etc.* This place has been setled above 100 years meerly upon account of trade with the Indians *etc.*, all which is wholy cut off at once by the French setling there. It is not without great grief and anxiety that we must represent the reproach we daily have from the French and their and our Indians that our fortifications are quit out of repair they were but stockados at first and are now all roten and fallen down whereas our neighbours of Canada have not only ever since the

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Peace been strengthening themselves with stone forts for the Indians that are under their protection which are all garrisoned with proper officers and soldiers which know to keep the Indians firm to their interest and that at Chambly where there are not above five or six families, there is a stone fort made almost impregnable, the Government of France sparing no cost and charge in fortifying all places of their frontiers that are contiguous to this Colony and by this very means draw many of our Indians to them alleging they have a country wel fortified where they can live secure. The French for many years past have had and stil have the liberty to go and stay among the Five Nations especially among the Sinnekes whose number consists above 1000 men to debauch them from their fidelity to H.M. which Nations have an awe on many Far Nations which are tributary to them *etc.* The Five Nations are the balance of the Continent of America who if the French bring over to their interest will prove the ruin of many thousand families *etc.* If these matters be not remedied and a war break out, the inhabitants will be necessitated to remove their families and effects for their better security and think he that got away first was the happiest man *etc.* *Propose* that the French be removed from their settlements on land resign'd by the Five Nations to H.M.; a fort built in Covenant Place and Tierondequat about 10 leagues from the Sinnekes' Castle and one at Ochjagara and a sufficient number of brisk young men posted there with proper officers and an intelligent sensible man reside there to defeat the intreagues of the French *etc.* And to prevent all inconveniences that may happen by peoples trading at their Plantations with the Indians it may be so ordered that the Indian trade be wholly and solely confin'd within the walls of the City of Albany pursuant to the Charter of this City and that all persons be admitted to trade within the City and nowhere else and that a law be made to inflict severe penalties on those that shall transgress. Lastly, that his Most Gracious Majestie would be pleased to order there be stone walls made at Albany and Schinectady and such other places on the frontiers as H.M. shall think fit, and so large that the women and children may be secur'd in time of extremity *etc.* *Signed*, John Riggs, Evert Bunker, Wessel Ten Broeck, Hend. v. Renselaer, Myndt. Schuyler, Johs. Cuyler, Hend. Hansen, Abraham Cuyler, Johs. Pruyn, Harmanus Wendel. *Endorsed*, 14th Nov., 1720. 3 pp. [C.O. 5, 1092. No. 15.]

Sept. 15. **231.** Council of Trade and Plantations to the Lords Justices.
Whitehall. *Reply to 8th Sept.* We have endeavor'd to get further information *etc.* Upon which occasion having discoursed with Col. Nicholson, Col. Vetch and Mr. Capon, they all agree that ye Canço Islands are not in the mouth of ye River of St. Lawrence nor in ye Gulph of that name, particularly the two

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last who have often been there ; but they could give us no other lights into this matter than what we have already sent to Mr. Pulteney. As we have not in our Office any maps of this country that may be entirely depended on, we sent to the Lords of the Admiralty to know, if they could furnish us with any, but received for answer that they had none, nor was Cap. Smart, who seized the French ships there yet returned, whose information might have been of great service upon this occasion. This gives us an opportunity of laying before your Excelllys. what we have formerly represented, the necessity of sending an able person from hence to take a survey, and make exact maps of all the several Colonies from North to South, which the French have done for themselves, from whence they reap great advantages whilst we continue in the dark. As Mr. Capon has lived many years in Nova Scotia, and been many times upon the Cape and Islands of Canço, we submit it to your Excelllys. whether it may not be proper to send him over to Paris to Mr. Pulteney, while this dispute lasts, that he may be ready to give the necessary informations upon this subject to H.M. Ambassador and Commissary there. [C.O. 218, 1. pp. 474-476.]

Sept. 15. **232.** Mr. Delafaye to the Council of Trade and Plantations.
Whitehall. The Lords Justices send you the enclosed Memorial from the Archbishop of Cambray, etc., that if your Lordps. have anything to offer, in answer to the allegations in it, you may send it to Sir Robert Sutton and Mr. Pulteney, for the better enabling them to make a reply. They also send, for your consideration, the enclosed papers offered by Colo. Nicholson appointed Govr. of Carolina, desiring your opinion what is necessary to be done in the sevl. particulars he mentions, and that you may report the same as soon as possible, in regard that no time should be lost in dispatching him to his Government. *Signed*, Ch. Delafaye. *Endorsed*, Recd. Read 16th Sept. 1720. 1 p.
Enclosed,

232. i. Extract of letter from Sir Robert Sutton to Mr. Secretary Craggs. Paris, Sept. 21st (M.S.), 1720. *Encloses following*. *Continues*: We shall defer making a reply, till we receive further instructions from you etc. $\frac{1}{4}$ p.

232. ii. Reply of the Archbishop of Cambrai to the Memorial of Sir R. Sutton, Aug. 23, (N.S.), 1720. Paris, Sept. 12th. (N.S.) 1720. *Refers to Sir R. Sutton's Memorial*. *Continues*: His Royal Highness has caused to be explained to Sir R. Sutton and Mr. Pulteney the reasons for the claim that the islands of Cançéau are no part of Nova Scotia, from which they are separated by a broad and deep arm of the sea, which is the same as that which separates the Peninsula, where Nova Scotia is, from the Island of Cape Breton, and that

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not only have they not been ceded to Great Britain, but they have been reserved to France by Article 13 of the Treaty of Utrecht, with all the other islands situated in the mouth and in the gulph of St. Lawrence. These reasons appear so evident and so decisive, that H.R.H. hopes that when they are reported to the King of Great Britain, he will fully recognise their justice, and give orders to prevent the subjects of the King of Isle Royale being disturbed in their fishing about the Islands of Canceau, or in the stay they make there to cure their fish. With regard to the limits prescribed for fishing on the coast to the S.E. of Nova Scotia, H.R.H. has had it explained to Sir R. Sutton and Mr. Pulteney that he would issue instructions in conformity with the 12th Article of the Treaty of Utrecht, to restrain under severe penalties the subjects of the King from fishing within the space of 30 leagues from all the S.E. coast of Nova Scotia, beginning from Sable Island inclusively, and running S.W. *Copy. French.* $2\frac{1}{2}$ pp.

- 232. iii. Governor Nicholson to Mr. Delafaye. Encloses following for the Lords Justices' directions thereupon etc. The account of the necessarys and Indian trade and presents etc. I had from Collo. Barnwell and I hope he may be despatched to goe with us etc. *Signed,* Fr. Nicholson. *Endorsed,* Reed. Read 16th Sept., 1720. 1 p. *Enclosed,*
- 232. iv. Comments and queries upon following proposals. *No signature or date.* 3 pp.
- 232. v. Col. Barnwell to [?Governor Nicholson]. *Encloses following, etc.* *Signed,* Jno. Barnwell. Tracts of land should be secured to the garrisons etc. *Sept. 8, 1720.* $\frac{3}{4}$ p.
- 232. vi. Proposed Instructions for the Commander of the Independent Company designed to erect a garrison at the mouth of the River St. George alias Alatamaha. $\frac{3}{4}$ p.
- 232. vii. A list of presents proposed for Governor Nicholson to carry to the Indians etc. *Signed,* Fr. Nicholson, Joseph Boone, Jno. Barnwell. $\frac{3}{4}$ p.
- 232. viii. Invoice of a cargo of Indian trading goods of about £1000 sterl. value. 1 p.
- 232. ix. An account of the necessaries to be provided for the use of the 100 men now bound for S. Carolina. 10th Sept. 1720. *Signed,* Jno. Barnwell. 1 p.
- 232. x. Memorandum (? By Governor Nicholson). *Proposes* that the Governor of Carolina should meet the Governor of Virginia on his way thither and settle the questions of the Indian trade and the securing of the frontiers

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etc., and also the Governor of Providence, in order to arranging for mutual support *etc.* The Governor of Virginia to be instructed to recommend to the Assembly not to dispose of the sum (£10,000) they have in bank until H.M. pleasure be further known. One chief reason for the late differences between the Governor and Assembly (*of Virginia*) is supposed to have been the manner of disposing off the said money, the Governor seeming to expect about half that money the sum of the miles travelled being drawn out to about 5000 *etc.* Without such order, the money may not be used for defence of the frontiers *etc.* 1 $\frac{3}{4}$ pp.

232. xi. Memorandum [? by Governor Nicholson]. *Proposes* that when forts shall be built either in Nova Scotia, Virginia, Carolina or the Bahama Islands, the land adjacent thereto be appropriated for the use of the Garrison *etc.* 1 p.
232. xii. Memorandum [? by Governor Nicholson]. Proposals for orders as to building the forts, *etc.*, Indian trade and presents for Indians. The latter to include prints of His Majesty and the Royal Family, and some new guineas *etc.* for the chiefs to wear on red ribbons. The King's picture at length and H.M. Arms large for publick buildings with plate and other furniture for H.M. chapel *etc.* A chaplain to be appointed, *etc.* A frigate of the same rate as that attending Virginia to be ordered. A commission for trying pirates. 1 p.
232. xiii. An account of stores of war sent to Carolina. $\frac{1}{2}$ p.
The whole endorsed, Recd. with Mr. Delafaye's letter *etc.*, Read Sept. 16th, 1720. [C.O. 217, 3. Nos. 9, 9, i., ii. (*covering letter and enclosures i., ii. only*); and (*without enclosures*) 218, i. pp. 476, 477; and (*enclosures iii.-xiii. only*) 5, 358. ff. 25, 26-27, 28, 29, 30, 31, 32, 33-34, 35, 39, 41v.]

Sept. 20. 233. Order of Lords Justices in Council. Approving Whitehall. Instructions (v. 11th Aug.), which are to be signed and transmitted to the several Governors *etc.* *Signed*, Edward Southwell. *Endorsed*, Recd. Read 11th Jan., 172 $\frac{1}{2}$. $\frac{3}{4}$ p. [C.O. 323, 8. No. 18.]

Sept. 20. 234. Order of Lords Justices in Council. A warrant for Whitehall. passing a Commission for trying pirates in South Carolina is to be prepared *etc.* *Signed*, Edward Southwell. *Endorsed*, Recd., Read 11th Jan., 172 $\frac{1}{2}$. $\frac{3}{4}$ p. [C.O. 5, 358. ff. 63, 64v.]

Sept. 20. 235. Order of Lords Justices in Council. Approving Whitehall. drafts of Commissions and Instructions for the Governor of S,

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Carolina, with amendments proposed by Attorney and Solicitor General. *Signed and endorsed as preceding.* $1\frac{1}{2}$ pp. [C.O. 5, 358. ff. 65, 66v.]

Sept. 20. **236.** Order of Lords Justices in Council. New Seal for S. Whitehall. Carolina to be prepared. *Set out,* A.P.C. II. p. 779. *Signed and endorsed as preceding.* $1\frac{1}{2}$ pp. [C.O. 5, 358. ff. 67–68v.]

Sept. 23. **237.** Council of Trade and Plantations to the Lords Justices. Whitehall. In obedience to your Excells.' commands (15th instant), we have considered the several papers therein transmitted etc. *Continue:* In our opinion it is highly necessary no time should be lost in erecting the fort proposed, wch. according to the best information we can get wou'd be much better placed upon the Continent on the North Banks of the Alatamaha River, than in the Isld. of St. Simon, the sd. Isld. lying at too great a distance from the shore to command the entrance of the sd. River, tho' it may likewise be very necessary whenever H.M. shall think fit to send a larger force to Carolina to take possession of the sd. Island and erect a fort or forts in proper places there also. We do likewise agree, that it may be very convenient for H.M. service that a certain extent of ground adjoining to the place where the new Fort shall be erected, should be marked out, and set apart in equal lots not exceeding half an acre in each lot nor 100 acres in the whole to build a town upon in time to come in case this settlement should prosper, as 'tis hop'd it will. And further that a reservation should likewise be made of 600 acres circumjacent to the sd. projected town for common of pasture for the inhabitants of the said town when built. And as nothing can so effectually conduce to the settlemt. of this frontier as the giving proper encouragmt. to such persons as shall be disposed to inhabit the new projected town, it will be further necessary, that a very large tract of land should be set apart to be granted in separate parcels not exceeding 200 acres to any one person, who shall be an inhabitant of the sd. town, the sd. lands to be held of H.M. by the tenure of Castle Guard, and the particular services to be perform'd to be specify'd in the respective grants. But we are of opinion, that it may be very difficult if not impossible to execute this important design without the assistance of a small frigate to remain in the River as a guard ship till ye new intended fort shall be in a sufficient posture of defence, and therefore we do earnestly recommend this particular to your Excellencies consideration. But if H.M. affairs will not admit of the sending a small man of war expressly on this service, we humbly propose that the Govr. be impower'd and have directions to hire a sloop or brigantine for this purpose upon his arrival in Carolina. Amongst the papers referred to us, there is one entituled An account of

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necessaries for 100 men now bound to S. Carolina, which we have perused ; and altho' there may be some particulars therein that might possibly be spared, yet considering that this is calculated for the making of a new settlement and recommended by Col. Barnwell who seems to be a very intelligent person in these matters, so far as the sd. necessities do relate to the sd. new settlement only, exclusive of the Articles relating to Charles Town, which may be considered on another occasion ; we conceive it may be for H.M. service that the same should be forthwith provided, and we would submit to your Excellencies, whether orders should not be given to the Board of Ordnance for that purpose. But we presume that such part of these stores as shall be deliver'd to the men for their own wearing apparel will be deducted as hath been usual out of their off reckonings. We have likewise considered the Instructions for the Commander of the garrison *etc.* But having discoursed with Col. Nicholson and finding that he designs to execute this important service himself in person, we believe the method of doing it may be left to his direction and so much the rather because as he is Govr. in chief of Carolina he will have full powers in any part of that Province to give such orders as he shall think may most conduce to H.M. service in this particular ; and when the sd. Fort shall be erected he will leave such Instructions in writing with the Officer commanding in chief there in his absence as may be necessary ; But we shall give Genl. Nicholson a copy of the sd. paper of Instructions which may be of use to him in the execution of this design. We presume the Board of Ordnance have already your Excells.' orders for providing great guns with carriages, stores and ammunition of all kinds necessary for the making of this Settlement. And we would likewise recommend to your Excellencies to give orders for sending an able Ingineer upon this Expedition as is proposed by Genl. Nicholson together with a proportionable number of gunners and matrosses. As the most material informations which we have had upon this subject have come from Col. Barnwell who has long been an inhabitant of Carolina where he has passed thro' all the publick Offices except that of Governor. And in as much as the sd. Col. Barnwell at the request of Genl. Nicholson is willing to accompany the sd. General upon this Expedition, we should humbly conceive it might be for H.M. service that General Nicholson should be directed after that new intended Fort shall be built to put the same together with ye garrison thereof under the care and government of the sd. Col. Barnwell whose knowledge of the country and experience in matters of this nature will highly conduce to the promoting a settlement on this frontier. In the mean while we do agree with Genl. Nicholson, that it may be very necessary to take the proper measures for promoting settling ; and inlarging the Indian Trade, and that the Governors of

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Carolina and Virginia should be instructed to conferr upon this subject, and to settle matters upon such a foot, that neither of these Colonies should have reason to complain of the other. It will likewise be for H.M. service that the Govr. of the Bahama Islands for the time being should keep a constant correspondence with the Govr. of Carolina, that they may be aiding and assisting to each other as occasion may require. We are of opinion that it may be necessary upon this occasion to distribute some presents among the Indians to gain their friendship to this new settlement, and if your Excellencies shall think fit to give your directions to the Lords of the Treasury for that purpose General Nicholson and Col. Barnwell may attend their Lordships with a list of particulars presented to us to which we have no objection. [C.O. 5, 400. pp. 126-133.]

Sept. 24.

238. Mr. Pulteney to Mr. Popple. *Acknowledges letter and enclosures of 12th. Continues:*—I had allready Mr. Vaughan's and Mr. Capon's Memorial which makes the Islands of Canço to be a parcel of rocks joining almost to the Cape, but the French you will find, say a large branch of the sea runs between these Islands and the Cape; some other accounts of our people seem rather to agree with the French in this point, and as the Board have not given their opinion in this matter, I think it best for us to insist in general that these Islands are not in the mouth of St. Laurents nor in the Gulf of that name, and consequently do not belong to the French, without examining very nicely whether they are more or less distant from the Continent of Nova Scotia; because if we should go upon Mr. Capon's account, and the French should produce better or more plausible proofs for their assertion, than we can for ours, this would give them an advantage as to the main dispute, besides though our proofs were never so clear and strong they would not be convinced by them. I observe by the last Representation of the Board (15th Sept.) that they still mention only in general the fishery at Canço, without determining whether it be at the Cape, or at the Islands; this makes it necessary for us here to insist likewise in general against the fishery even at the Islands, though our arguments would be much stronger, even by what the French have acknowledged, if we were only to insist against the fishery at the Cape. P.S.—This letter comes out of date, but it waited to go by a messenger, and I have ye opportunity of adding ye inclosed arret. *Signed,* D. Pulteney. *Endorsed,* Recd. 7th, Read 11th Oct., 1720. $1\frac{3}{4}$ pp. [C.O. 217, 3. No. 11; and 218, 1. pp. 482, 483.]

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New York. **239.** Governor Burnet to the Council of Trade and Plantations. *Abstract.* Has published his Commission in New York and New Jersey. The party which always opposed Governor Hunter, has got ahead during his absence and been preparing

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for a new Assembly quite different from that which granted him the revenue. It has therefore been thought advisable for the old Assembly to meet immediately, precedents for which will be sent in his next dispatches. This Assembly will be more tractable than ever in order to be continued. Provision will be made for deficiencies in the revenue, which will amount to £3000 this country money (which is at the rate of eighteenpence to one shilling sterling) when revenue expires in June, and for a revenue thereafter. *Hopes* that measures may be taken too for fortifying the frontier against the French "who are more industrious than ever in seducing our Indians and have built trading houses in their country lately, and engaged great numbers of them to live in the French country near Quebec. If the Assembly can be brought to some immediate provision for this service, there may be forts built next year, and other measures taken to stop these designs of the French: which they carry on with great application." A sudden remedy from home is needed as well as utmost diligence here. *Asks for* the Board's protection and the dispatch of the usual presents to the Indians, which the Lords Justices directed the Treasury to provide; also of the stores wanting for the garrisons, of which he gave an account to the Lords Justices and for which the Board of Ordnance prepared an estimate, but no order given by the Lords Justices etc. Has had no opportunity of informing himself as to the state of affairs in the Jerseys. *Set out*, N.Y. Col. Does. V. 572. *Signed*, W. Burnet. *Endorsed*, Reed. 26th Nov., Read 1st Dec., 1720. *Holograph*. 4 pp. [C.O. 5, 1052. ff. 82-83v., 84v.; and (extract) f. 81; and 5, 1092. No. 114.]

Sept. 24.
New York.

240. *Same to [?Mr. Delafaye]. Repeats substance of preceding and encloses letter to Mr. Secretary Craggs and copy of preceding etc. Concludes: Mr. Bamfeild will make propper application in my name for despatch in those things I have depending before the Lords Justices etc. Endorsed, R. 26 pr. Board of Trade. [C.O. 5, 1092. No. 13.]*

Sept. 27.
Annapolis
Royal.

241. Governor Philipps to the Council of Trade and Plantations. *Refers to former letters. Continues:—What hath hapned since at Cansoe and the dammage done there to the fishery, by way of reprisall (as the savages gives out) for what was taken from the French by Capt. Smart, is an unhappy confirmation that I have not been mistaken. For nothing is so evident, as that our French inhabitants, and the neighbouring French Governments are equally secrett enemys to the Brittish interest in this Province and consult together how they may disturb and obstruct its being setled, especially at this juncture they are more buisy than ornary (seeing their hopes of this countreys falling into their hands again is like to be at an end) and that the savages are the tooles in their hands, with which they work*

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the mischeifs which themselves dare not appeare in. *Refers to enclosures.* The fishermen being drove off, from their stages, into their boates, by the savages, who surprised them in the dead of the night, and their fish and merchandize left to the pillage of the French, who lay ready for that end, they had a consultation the next morning, and concluded to send a sloop to Cape Breton, to seek for redress ; but not finding to their satisfaction : they sent to me, by one Mr. Henchaw for relief : whom I dispatch'd with arms, ammunition, and provisions, and would have given him an officer, with a detachment of the garrison, but he thought there would be no occasion. This person brought me five French prisoners, taken in severall shallops loaden with the English fish, and merchandize. *Refers to enclosures.* By which your Lordshipps will see how farr the Counsells of Cape Breton, may have been concerned, in contriveing and abetting this mischeif. I also sent my Major on board him to Cape Breton with copys of those examinations to demand restitution of the fish and goods. And satisfaction for the loss of H.M. subjects : three haveing been kill'd on that occasion. *Refers to enclosures.* As to the Indians I have the honour to assure your Lordships, and everybody here will bear me witness, that I have taken particular care, to treat them in the civillest manner, that ever any Governor yet has done ; there has scarce past a week, since I am here but some of them have been with me whom I never failed to assure of H.M. good will and protection and required them to acquaint all their Nation therewith, and that I expected considerable presents for them from the King, in token of his affection. At the same time I never dismist them without presents (which they alwayes expected) for which I am out of pocket above £150. But I am convinc'd that a hundred thousand will not buy them, from the French interest while the priests are among them who haveing gott in with them, by the way of Religion, and brought them to regular confessions twice a year : they assemble punctually at those times and receive their absolution conditionally that they be alwayes enimys to the English. I had the honour to acquaint you that I had by the advice of Council sent express for the Chiefs of those who are called the St. John River Indians, and are represented to be the most considerable. They came according to the invitation I sent them. *Refers to enclosure.* In my humble opinion the man of warr upon the station of New England, should have attended the fishery at Cansoe in the season according to the orders that were sent upon my application when at London, but why she has layn all this summer in Boston harbour, I can't guess unless she has waited for the relieve that is said to be comeing. It is certain that had she been at Cansoe, that loss had not hapned to H.M. subjects. Some of the Indian robbers, who return'd from Cansoe to Minas, to the number of eleven finding a New England tradeing sloop

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there belonging to Mr. John Alden, and being flushed with there former success, and applauded by the priests, they plunder'd her also at the very door of the inhabitants who look'd on, without restraining those wretches, under the sham pretence of being afraid of provokeing them. I have wrote to them to demand a better reason of such their behaviour, which is all I can do in my present circumstances, but hope it will not be long thus. This being the last opportunity (probably) this season that I may have the honour of writeing to your Lordshipps, do therefore think it my duty (with submission) to tell you plainly that I find this countrey in no likelyhood of being settled under the King's obedience upon the footing it is, and therefore it is necessary that the Government at home exert itself a little and be at some extraordinary expence, for this has been hitherto no more than a mock Government. Its authority haveing never yet extended beyond cannon reach of this Fort. I was in hopes (and signfyed as much in the last letters I had the honour to write to your Lordshipps) the addition of 100 men more, with what I could draw from the Garrison of Placentia might suffice for this work, but am now convine'd it will require a greater number. And because I might not be thought to impose my own opinion in a matter of such consequence. I have called a Council of the Cheife Officers (some of which are of the Kings Council) to consider of and propose the most reasonable and least expensive scheme for establishing the Kings authority in such manner and in such parts of this Province as may render it communicative over the whole. *Refers to enclosure.* I heartily wish that this expence was not absolutely necessary; but as the case stands it would be more for the honour of the Crowne and proffit also, to give back the country to the French, than be contented with the name only of Goverment, and the charge that attends it, whilst they beare the rule and make it subservient to the support of their settlement at Cape Breton, which could ill subsist without the graine and the cattle they fetch from Manis. The inhabitants seem determined not to sware allegiance, and at the same time I observe them to be goeing on with their tillage and building as if they had no thoughts of leaveing their habitations. It is likely they flatter themselves that the Kings affaires here will always continue in the same feeble state. I am certain nothing but a demonstration will convince them to the contrary. The number of those people and how scituated, with a description of their particular settlements and countrey in general is herewith presented to your Lordshipps, being the most exact and perfect account that has yet been given of this Province. *Refers to enclosed reply from the Governor of Canada, and Minutes of Council.* I am certain there is not a paper of any consequence transacted by me, which I have not done myself the honour of laying before your Lordshipps. If anything be found amiss,

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I must own it is from want of judgment; for I do my best for H.M. service, and therefore am not without hopes of pardon. The method by which the French have made all their settlements in America, has been the undertakings of particular Societys or Companys, whereby the Crowne has been at little more expense then fortifications and a few troops to garrison them, with the charge of Governors, Intendants and other necessary Officers. The Isle of St. Johns seitudated in the river of St. Lawrence and opposite to our french settlements of Chignecto and within three leagues of the Continent is now settling in the same manner; by which the English Colonies will be environed from Misissipi to Cape Breton. If therefore such undertakeings were sett on foot at home, I am certain the Adventurers would soon find their accots. to answer abundantly beyond any of the French projections; the one being a demonstrable prospect of very great advantage, the other but chimeracal *etc.* I shall waite H.M. commands, for my further conduct *etc.* P.S. Sept. 27th. Before I could dispatch my letter the answer from the inhabitants of Manis is come to my hands *etc.* *v. enclosure.* Your Lordshipps may please to observe by this deportmt. of the Deputies excuseing their appearance, a confirmation of the little regard they pay to any orders of the Goverment, and how the Indians (whom they have sett on worke) are made the skreene for all their actions. The Jesuitical frame of the letter plainly discovers it to be of the priests composure; there not being one inhabitant in the country capable of such a performance. What is therein mentioned of Mr. Broadstreet is literally thus. This gentleman was sent with a deputation from the Collector (and with my approbation) to reside at Manis, as a preventing officer, to observe the trade, and correspondance those people carry on with Cape Breton, and to give an accompt thereof, from time to time. This office not suiting with their interest, they told him that he could not be protected there, and therefore it was necessary for his safety to return, upon which he desired them to furnish him with a guide to direct him the safest way back thro' the woods, which not being able to obtaine, he ventur'd alone, but first wrote the enclosed letter to the Deputy he had apply'd to for the guide. This is their method of excuseing their behavior by turning it into a grievance on their side. Your Lordssps. will please to observe likewise that they pass over that part of my letter, wherein I reminded them of the testimony of my good will towards them in presumeing contrary to my Orders, to prolong the time for their evacuation, which they do not think fitt to acknowledge; since they have prevailed with the Indians to sett up their native right and title to the countrey, as you will see by their answers or rather the priest for them. These are the effects the Proclamation has produced, and their grounds for laying the blame, and makeing me the cause of this trouble, because

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the honour of publishing those H.M. Orders has fallen to my lot, for they will not be perswaded but that I have done it of my own head. 'Tis what they should have been told eight yeares sooner. But it is not yett too late. And I hope this will serve as a lucky occasion to hasten the secureing the countrey under the King's Dominion, which is a worke that must be done first or last, and the longer it is delay'd the more difficult it will be. *Signed*, R. Philipps. Copy sent by way of Boston. Signed, Ar. Savage, Secy. *Endorsed*, Reed. 2nd, Read 14th Feb., 17²⁰₂₁. 18 pp. *Enclosed*,

241. i. Memorial of John Henshaw, William Taylor and Richard Pieke of Cansoe, in behalf of the rest of the inhabitants, to Governor Philipps. On 8th Aug. 1720 we were surprised in the night by the French and Indians, who stript and robb'd us of all to the value of £18,000. They fired several small arms upon us and killed two of us, as we were getting of in our boats and drove several of us into the sea so that one of us were drown'd in hast of getting off. At two a clock in the afternoon Mr. John Henshaw, Wm. Taylor, Jethro Furber and Nathl. Shannon sailed in a small vessel to Louisbourg and presented our grievances to the Governor. He made light of it and answer'd if any french men were taken in the fact they should make satisfaction, but as for the Indians he had nothing to do with them. Thomas Richards, master of a ship rideing in the harbour of Cansoe, fitted out two small vessels in pursuit of those robbers, and took six challops with part of the plunder on board, vizt. European goods and fish, which they brought into sd. harbour; with 15 frenchmen on board, wch. sd. frenchmen had taken off from sd. place in their boates. At our arrival at sd. harbour with the shallop afore-said, some of our men had taken two of the Indians robbers, prisioners, which sd. Indians confessed they were incouraged and had orders to robb us from the Governor of Cape Britton. *Pray* H.E. to supply them with men, arms and ammunition to enable them to defend the rights of the Crowne of England etc. *Signed*, John Henshaw, William Taylor, Richard Pieke. Read in Council, 29th Aug. 1720. *Copy*. 2¹₂ pp.

241. ii. English merchants and residents at Port Canso to Governor St. Ovide de Bruillan. Louisbourg, Aug. 10, 1720. *Complain* of attack by sundry French and Indians, inhabitants of Cape Britton. *Continue*: On 8th Aug., about one or two in the morning, we were attackt by a body of Indians joyned with some french about 50 or 60, who did take us out of our beds

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and carry us prisoners from house to house, until they had made themselves masters of the place, then confineing us in sundry houses, pillaged our goods, weareing apparell, bedding and things of value they took out of our pockets, and carryed away the same in canoes, shallopss etc., makeing the Island of Capt. Richards there place of randevous at their withdrawing where they began there onsett and had about 16 of his men prisoners. By this time our fishing vessells haveing assembled themselves together, they manned one of them, to save Capt. Richards' ship which we feared they would burn and likewise to drive them from the said Island. At the approach of the said vessel, they began to discharge their firelocks upon the English, whereupon we return'd the same specie, but when we found nothing could be done by fireing we ceased, and the vessel came to sail in order to leave them, but they continued their fire, killed one of our men ; some time after they put up a flagg of truce, when we had a parly *etc.* We notifye your Excellency as soon as possible, they having professed themselves (to us) to be subjects of France. The names of the greater part we shall furnish your Excellency withall : some are, Renold Le Boue a frenchman, Estienne an Indian partly french, his son and son-in-law *etc.* Pray for H.E.'s speedy answer and punishment of the guilty *etc.* Signed, John Furber, John Henshaw, William Taylor, Nathl. Shannon, in behalf of the rest. *Copy.* $3\frac{3}{4}$ pp.

241. iii., iv. Depositions of French prisoners captured at Canso, taken before the Governor and Council of Nova Scotia, Annapolis Royal, 29th Aug., 1720. In robbing the English at Canso, they did as their captains commanded them. The captains of their ships, Philisbert d'Habilene and Massy, supplied the savages with guns and ammunition to attack the English, and received from them in return fish taken from the English *etc.* *Copy.* *French.* $6\frac{1}{2}$ pp.

241. v. Deposition of François Pitrelle, French prisoner captured at Canso. *Taken as preceding.* Deponent was engaged in the cod fishery about Canso and Isle Madame *etc.* For 3 months past there had been a rumour that the savages were to attack the English of Canso and avenge the wrong the French had suffered from Capt. Smart. Those who had lost through that seizure, counted on reimbursing themselves by the attack of the savages. M. Renaud made a voyage to Artigonesh in order to incite the savages to this act, and to take them powder and ball for that end, as

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- deponent heard Renaud say himself *etc.* *Confirms preceding.* Deponent's master, Jean Harenbourgh and Capt. Massy said several times that there was nothing to fear for carrying off and plundering the English fish, and spoke in such a way as to make it appear that they had authority for what they did. *French.* *Copy.* $2\frac{1}{2}$ pp.
241. vi Deposition of Prudent Robicheau, French inhabitant of Annapolis Royal. 24th Aug. 1720. *Confirms first part of preceding.* The Indians who had robbed the English made presents out of their plunder to Father Vincent, Priest of Chignecto, on board a shallop from St. Peters, who publickly approved of what they had done to the English. The Indians said in a short time they intended to make a visit to Annapolis Royall, *etc.* *Signed,* Prudent Robicheau, his mark. *Copy.* 3 pp.
241. vii. Deposition of Michael Richards, French inhabitant of Annapolis Royal, 24th Aug. 1720. *Confirms preceding.* At St. Peter's deponent saw Lassonde a frenchman there who was pilot on board a sloop from New England loaden with cattle and sheep, bound from thence to Louisbourg for sale *etc.* *Signed,* Michael Richards, his mark. *Endorsed,* Recd. 2nd, Read 14th Feb. $1720\frac{1}{2}$. *Copy.* 3 pp.
241. viii. Governor Philipps' Instructions for Major Lawrence Armstrong, first of the Council. You are to goe directly to Cansoe, to informe yourself of the posture of affaires there *etc.*, and give such direction therein as you shall judg most for H.M. service and security of his subjects there. You are afterwards to proceed to Cape Breton, deliver my papers to the Governor and represent to him the abuses they have received from the French *etc.*, to demand full restitution, and that the Governor do arrest the persons with their ships and effects who are mentioned in the depositions to have been principal actors in the robbery, until the pleasure of both Crownes be knowne as to what satisfaction shall be made for the loss of the King's subjects who have been kill'd on this occasion, *etc.* Annapolis Royal, Aug. 29th, 1720. *Signed,* R. Philipps. *Copy.* $2\frac{1}{2}$ pp.
241. ix. Governor Philipps to the Governor of Cape Breton. Annapolis Royal, 29th Aug., 1720. I have received your letter *etc.* *Refers to his reply to Capt. Henshaw, No. 1 supra.* Encloses depositions of french prisoners, *supra*, showing that the French were the promoters of the attack upon Cansoe. All the savages who took part in it, save four, came from Cape Breton, where

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the affair had been spoken of for 3 months. I cannot believe the evidence of two savage prisoners, that it was M. de St. Ovide who caused them to act *etc.* *Demands full satisfaction etc. as preceding.* I am not altogether ignorant of the extraordinary movements of the priests this summer between this Government and yours, particularly Fathers Vincent and Justinien, which is of no little weight as confirmation that this evil design was then afoot. *Same endorsement. French. Copy. 3 pp.*

241. x. Conference of Governor Philipps with the Indians of St. John's River. Speech of the Indians:— We obey your summons and are delighted to see you. Since the English have been masters of this country, the Governors and merchants thereof have failed in their written obligation to supply us with all we needed in return for our money. We have therefore been obliged to trade with others or starve. Can only answer for the Indians of this River *etc.* *Pray H. E.* to treat all the other inhabitants as if they were their brothers *etc.* *Signed,* Francis Sales, his mark, and six others. Read in Council, 26th July, 1720. *French. Copy. 1 $\frac{3}{4}$ pp.*
241. xi. Governor Philipps' Reply to the Indians of St. John's River. *Declares H.M. good will, and his desire to live in peace and amity with them. There is a firm friendship and alliance established between England and France. Regrets that they have been disappointed as preceding.* This was caused by the impossibility of furnishing the necessaries they required. Care will be taken to supply them in future at a reasonable price. Wishes all the Indians to enjoy the benefit of this agreement *etc.* *Continues:* I will treat you as a father his children, and as to the French inhabitants, so long as they behave faithfully towards King George and become his subjects, they will enjoy their own religion and possessions and the same privileges as H.M. natural subjects *etc.* But if they refuse their allegiance to the King and continue by their false and odious representations of the English, to alienate the affections and duty of good savages from the Crown of Great Britain, the King will no longer allow them to remain *etc.* If you hear of any evil practices or conspiracies against H.M. subjects, I expect you to warn me, and I shall do the same by you *etc.* Inform your neighbours of Passamaquaddy that I shall be very glad to receive two or three of their Chiefs here and give them the same assurances *etc.* I am sorry to have no better presents

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- for you, but expect the King's presents by the next ship. The boat is ready for your return and I have ordered provisions, wine and brandy to be put on board. Annapolis Royal. 27th July, 1720. *Signed*, R. Philipps. *Same endorsement. French. Copy.* $3\frac{3}{4}$ pp.
241. xii. Deposition of John Alden, Master of the sloop *Two Brothers*. Annapolis Royal. 14th Sept., 1720. At Menis, on 22nd Aug., 11 Indians with Peter Nunquadden their Chief, demand 50 livers of him for liberty to trade, saying this countrey was theires, and every English trader should pay tribute, to which payment Deponent agreed being under necessity. A few days after the Chief told him that if any person came there with any orders from General Philipps he would make him prisronner and distroy what he had, neither should any orders of that Government be observed there. On 27th the same Indians and two more from Cobequet came on board in a hostile manner and drove him and his crew on shoare, and plundered his sloop's cargo to the value of £260, without any provocation. *Signed*, Jno. Alden. *Same endorsement. Copy.* $1\frac{1}{2}$ pp.
241. xiii. Governor Philipps to the four Deputies of Les Mines. Annapolis Royal, 9th Sept., 1720. *Recounts* his acts of favour and goodwill to the French inhabitants and expresses surprise at the robbing of Alden's sloop *preceding*, of which they were spectators and which they could easily have prevented etc. *Invites them* to give a better reason for it than the ridiculous pretence of fear of a handful of savages. *Orders them* to assemble the savages that are amongst them, to demand in his name reasons for so acting and to bring their reply to him in person etc. *Signed*, R. Philipps. *Same endorsement. French. Copy.* 2 pp.
241. xiv. Indians of Les Mines to Governor Philipps. Les Mines, 2nd Oct. [N.S.] 1720. *Reply to preceding.* We have assembled to tell you that this land which God has given us and to which we belong cannot be claimed by anyone else. We observe your threats to reduce us to your servitude, which you must not expect. We are masters, independent of everyone, and desire to have our country free etc. If we wished to go and dwell in England, what would you do but order us to retire; and for the same reason we do not wish the English to inhabit our country, which we hold only from God, and which we will dispute with any men who wish to inhabit it without our consent. The reason why we have taken those of your nation is, that you have taken Canso etc.

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Before you came to our country, all was at peace there, but as soon as you came there, all is at war by your threats to deprive us of the heritage our fathers have left us. We do not know that any of your nation have ever had any part with us to suffer them to be free in our country, as you desire. *Signed*, Antoine Coaurèt, (mark), Pierre Couaret (mark). *Same endorsement*. French. Copy. 2 pp.

241. xv. French inhabitants of Les Mines to Governor Philipps. Les Mines, 3rd Oct. (N.S.), 1720. *Reply to No. xii in the absence of the deputies.* We have no other explanation to give than that we sent by Mr. Alden. We have taken an oath that we had no share in the Indians' attack etc. We are very poor and cannot afford the expense of the deputies' journeys. Besides, the savages threaten to kill our cattle, and will not allow us to go to Port Royal. Mr. Bradestrick (= Broadstreet), when he came here, threatened to burn down our houses, without knowing how matters stood. Eleven savages would have been no great matter, if there had not been others to fear, but they come daily, and we do not know when the end will be reached. We are the trembling spectators of an assembly which may become deadly to us by eating our beasts etc. To ask us to oppose them, would be to expose us to their fury and loss of our property and lives. We cannot remain on our lands if we are to be held responsible for the outrages of the savages. *Enclose preceding reply by the savages*, dictated by themselves. They absolutely forbid, under great menaces, our letter or theirs to be presented to you by any one of us, but have ordered the bearer of them to deliver them to one of the deputies of Port Royal and to return immediately etc. *Signed*, Les Bourg and 27 others. French. Copy. 4 pp.
241. xvi. Governor the Marquis de Vaudreuil to Governor Philipps. Montreal, July 9th (N.S.), 1720. I have just received your letter of 3rd June, etc. I am charmed that you open a correspondence from which I foresee that I can only derive much pleasure etc. I have no orders to appoint boundary Commissioners at present, doubtless they will come by the King's ship which will only arrive at Quebec at the end of August, etc. Nothing will be done in the mean time on my part to disturb the union of our royal Masters. I hope that, until the boundaries are fixed, you will not allow any innovation in the places which the English did not occupy at the time the Peace was made, etc. *Signed*, Vaudreuil. *Same endorsement*. French. Copy. 2 pp.

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241. xvii. Representation of the Governor and Council of Nova Scotia. Annapolis Royal, 27th Sept. 1720. *Repeat following with slight variations. Add:* From Chignecto the trade is clandestinely carried to Cape Breton by meanes of the small trajet from the Bay of Fundy into the Gulph of St. Lawrence. The French have sent this summer four shippes, two of which are actually arrived at Island St. John's, not above 6 leagues from Chignecto, where they intend to have a very considerable fort and settlement, and by means of it will be able to command the trade as well as the French inhabitants in these parts etc. Besides a ship of warr which ought to countenance these several projects two sloops of about 50 tons each are necessary which may be mann'd out of the garrisons, and serve as guard vessels as well as packetts and transports to the places, which do not admit of the man of warr. *Signed,* R. Philipps, John Doucett, P. Mascarenc, Ar. Savage, J. Adams, Hibbert Newton, William Skene, Wm. Shirreff. *Same endorsement.* 5 pp.
241. xviii. Representation of the Governor and Officers of the Garrison of Annapolis Royal. (i) The French inhabitants unanimously refuse to sweare allegiance to the Crowne of Great Britain, and do look upon themselves to be the indispensable subjects of France, by an obligation under their hands from which the priests tell them they cannot be absolved. (ii) Notwithstanding this, they do not seem to entertain much thoughts of quitting their habitations which (we have reason to beleive) proceeds from a contempt of this garrison, and confidence in their owne numbers, together with the assistance of the Indians, with whom they are link'd by commerce, long acquaintance, consanguinity, and religion, and are as one people. (iii) Both the inhabitants and Indians are so influened by the Government of Cape Breton and the priests resideing among them that whatsoever tends to favour and advance the British intrest in this country, does alwayes meet with obstructions either private or publick, for which last the Indians are ever ready to be employ'd, witness the late mischief at Cansoe and Menis *etc* (No. xii). (iv) Wee are very sensible by dayly experience that these people disclaime all regard and obedience to the Kings authority and that the orders of Goverment are rejected and loose their force, at the distance of gun shot from this fort. This being the state of affaires, we are humbly of opinion that a sufficient force is absolutely necessary to be sent from Great Brittain to

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curb the insolence of the present inhabitants, in case they be permitted to remaine, or to oblige them to retire in the manner prescribed them, and at the same time to protect such of H.M. subjects, as shall come to settle in this countrey, against the insults of the Indians, otherwise we see no likelyhood of its being settled, and consequently will be of no benefit or advantage to Great Britain. The number of troops necessary ought to be 600 men, besides the six companys of H.E.'s Regiment now in garrison here; (i) 200 to be landed at Cansoe, there to erect a fort to guard that fishery, the garrison of which when built to consist of 100 men; (ii) 400 to be order'd directly for this place, to take pilots, with an Enginier, to proceed to Menis, there also to build another fort, in a proper scituuation to command the place, and particularly the ground, called the Grand Pré, which produces great cropps of wheat, and other graine, and is the treasure of that settlement, which when put in a posture of defence should be garrison'd with no less then 150 men. (iii) The remainder to proceed to Chignecto, where a fort is necessary to stop the clandestine trade carry'd on with Cape Britton, and to face the Isle of St. John's where the French have this year begun and intend to make a very considerable settlement. This fort to be garrison'd with 150 men. (iv) The remaineing 100 men with the 100 to be drawn from Cansoe (when that fort shall be built) to be disposed off on some part of the Eastern coast (in case it shall be thought fitt to remove the seat of Government thither) for which, Port Rosway, Lahave or Morligashe are recommended as proper places. It is also our humble opinion that these projections be putt in execution early in the Spring; and that the troops arrive here in Aprill or May at the farthest with provision for 12 months, and stores of ordanance, and tooles to raise redoubts *etc* to secure the garrisons against winter 'till such time, as they can be perfected, by reason that the shortness of our summers afford little time for work of that kind. Some small peices of cannon will be likewise necessary for these forts.
Signed, R. Philipps, John Doucett, L. Govr., P. Mascarene, Chris. Aldridge, Jos. Bennett. *Same endorsement.* 4 pp.

241. xix. Copy of Minutes of Council of Nova Scotia, 25th April,—5th Sept. 1720. *Same endorsement.* Copy. 24 pp.
241. xx. Description of Nova Scotia by Major Paul Mascarene. Describes climate, soil and resources. "There

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are four considerable settlements on the South side of the Bay of Fundy, Annapolis Royal, Manis, Chignecto, and Cobequid. Several families are scattered along the Eastern coast. The inhabitants of these are still French and Indians." *Discusses status of former.* There are only two reasons for keeping them, the use that may be made of them for erecting fortifications, and keeping the stock of cattle and lands tilled for English settlements, and the addition of their strength might render the French too powerful neighbours. They would destroy their saw-mills on going. The free exercise of their religion, as promised to them, implies their having Romish missionaries amongst them etc. *Urges* that they should not be tolerated in their non-allegiance any longer; a force of 600 men is needed to compel them to comply with the terms prescribed to them etc. *Situation of Annapolis Royal described.* Two leagues above Goat Island is the Fort; seated on a riseing sandy ground on the south side of the river on a point form'd by the Brittish river and another small one called Jenny river. The lower town lyes along the first and is commanded by the Fort. The upper towne stretches in scattering houses a mile and a half; S.E. from the Fort on the riseing ground betwixt the two rivers. From this riseing ground to the banks of each river, and on the other side of the less one, lyes large plots of meadow which formerly were damned in, and produced good grain and sweet grass; but the dikes being broake down, are overflow'd at every spring tide. From Goat Island five leagues above the Fort, on both sides of the Brittish river, are a great many fine farms inhabited by about 200 familyes. The river is not navigable above two leagues above the fort, by other than small boates. The banks of this river is very pleasant and fruitful etc. The chief imployment of the French inhabitants now is farming, and the time they have to spare they employ in hunting, and ketching of sable martins. Their young men who have not much work at farming begett themselves to fishing in the summer. The Fort is almost a regular square has four bastions, and on the side fronting the point, which is formed by the junction of the two rivers, it has a ravelin and a battery of large gunns, on the counter-scarpe of the ravelin; which last with the battery have been entirely neglected, since the English had possession, and are entirely ruined. The works are raised with a sandy earth, and were faced with sodds, which being cut out

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of a sandy soil (the whole neck betwixt the two rivers being nothing else) soon moulder'd away. The French repaired part of the courtin with timber. The English re vested the fort all round with pieces of round timber, of 6 or 7 inches diameter, to the height of the cordon, and raised a parapet of sod work ; but whither by neglect of the workmen, or some other reasons, they put the Government to a prodigious deal of charge, and gave an entire disgust for any manner of repaires. *Proposal for repairing it next summer so as to be capable of resistance until materials for a stone redoubt can be sent etc.* *Manis* (called by the French *Les Mines*) has its name from the copper mines which are said to be about it especially at one of the Capes, which divides the Bay of Fundy, and is called *Cap des Mines* or *Cape Doré*. This towne lyes 30 leagues by sea and about 22 by land, E.N.E. from Annapolis Royal. The harbour is very wild and unsecure etc. This place might be made the granarie not only of this Province, but also of the neighbouring Goverments. There is a platt of meadow, which stretches along for near four leagues ; part of which is damn'd in from ye tide, and produces very good wheat and pease etc. The houses which compose a kind of scattering town, lyes on a riseing ground along two crieks, which runns betwixt it, and the meadow, and makes of this last a kind of peninsula this place has great store of cattle, and other conveniencys of life, and in the road they catch white porpasses, a kind of fish, the plubber of which turnd into oyl, yeilds a good proffit. The inhabitants of this place and round about it are more numerous than those of the Brittish river, besides the Indians which often resort here. And as they never had any force near them to bridle them, are less tractable. All the orders sent to them if not suiting their humours, are scoff'd, and laught at, and they put themselves upon the footing of obeying no Government. It will not be an easy matter to oblige these inhabitants to submitt to any terms which do not entirely square to their humours, unless a good force be landed there, and a fort or redoubt of earth be thrown up, well ditch'd, freez'd and pallissaded, till a more durable may be built, this redoubt must have four peices of cannon (sakers) and command the meadow, which is their treasure. The force sent must be 3 or 400 men etc. *Cobequid* lyes about 12 leagues N.W. of Manis, at the upper end of the eastermost branch of the Bay of Fundy. There are about 50 French familys settled in

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this place. The soil produces good grain, and abounds in cattle *etc.* By a river the inhabitants have communication with Chibucto a harbour on the Eastern coast and by a road across the woods at the distance of about 20 leagues they fall into the Bay of Vert, by which they drive a trade to Cape Breton. The Indians resort much to this place. *Chignecto* is seated upon the westernmost branch of the Bay of Fundy almost at the upper end of it. The inhabitants are numerous, haveing much encreas'd of late yeare, and are about 70 or 80 familys. This place is about 12 leagues distant from Manis haveing a communication by a river, which discharges itself into Manis Road. It produces good store of grain and abounds in cattle more than any other. Within 7 leagues of Cape Chignecto are very good coal mines. Near the town is a small island which has a good quarry of soft stone *etc.* The inhabitants are more given to hunting and tradeing than those of the other settlements. *etc.* By the Gulph of St. Lawrence they have a continual intercourse with Cape Breton carrying most of their furrs that way, and supplying it with provisions of grain, cattle *etc.*, and bringing for returns, linnens, and other goods, to the prejudice of the Brittish trade and manufactoryes. To put a stop to this, and to bring the inhabitants under obedience, who are the least subject to the English Government of any other here. It will be necessary, that a small fort be built in some convenient place on this Neck ; capable of containing 150 men *etc. ut supra No. xviii.* *Cansoe* is an island with several other less ones adjoyning, lyeing at a small distance from the main *etc.* Describes attack by Indians and robbery by French. Whilst the Indians, incited by the French to surprise the English, were plundering the dry goods, the French were robbing the fish *etc.* Had it not been for this irruption 20,000 quintalls of dry codd fish this season would have been exported out of this place *etc.* This shews the need of a ship to countenance British subjects there in the summer, and a fort and garrison in the winter. This if encouraged is very likely to be the chief place for trade, tho not so conveniently scituated for the chief seat of Goverment, as Port Rosway, La Have, Marligash, Chiboucto, or any other harbour scituate on the Eastern coast of this Goverment, but these have not yet been narrowly surveyed, *etc.* Signed, P. Mascarene, Engeneer. Carefully examined and found to be exact. Signed, R. Philpps. Same endorsement. 20 pp.

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241. xxi. Duplicate of No. i.
 241. xxii. Duplicate of No. ii. [C.O. 217, 3. Nos. 18, 18. i.—xxii; and (without enclosures) 218, 1. pp. 500—512; and (abstract of letter) 217, 30. pp. 11—13.]

Sept. 27. **242.** Govr. Nicholson to Mr. Delafaye. *Refers to interview with Board of Trade. Continues:* I believe this day their Lordps. report will be layd before their Excelleys. *Encloses* proposalls for presents to the Indians. *Continues:*—I find by the Boston News Papers that there are severall piratts on those coasts that have done a great deal of mischief etc. *Recommends* that handgranades be supplied to the Company as being very useful in case of a close fight and also at the Fort etc. A dozen of brass cohorn mortars etc. may be of great use on board our transports etc. *Recommends* provision of harquebusses and blunderbusses etc. *Concludes:*—The Commissioners of Transports have agreed wth. ye 2 ships and they are to be ready (God willing) to sail from hence for Portsmouth and Plymouth by ye 7th of the next month, and ye 3 months provisions weh. is humbly proposed to be sent may be putt on board them, because there is an accot. from Carolina of a great drought and scarcity of provisions etc. *Signed*, Fr. Nicholson. *Addressed*. 1½ pp. [C.O. 5, 387. No. 10.]

Sept. 27. **243.** Lt. Governor Gledhill to the Council of Trade and Placentia. Plantations. By some experiments I've made, hemp may be bro't to a considerable perfection in this part of Newfoundland etc. P.S.—We have multitudes of French ships that frequently fish upon our Banks. One is stranded in the next harbour etc. She has aboard 36 hgd. wine, 400 hgd. salt, 6000 of bread. *Asks for directions in such cases.* *Signed*, S. Gledhill. *Endorsed*, Recd., Read 15th Nov., 1720. 1½ pp. [C.O. 194, 6. No. 84.]

[Sept. 27.] **244.** H.M. Commission to Francis Nicholson to be Captain General and Governor in Chief of Carolina. *Preamble:* Whereas by great miscarriages and neglects in the Government of our Province, and Territory of Carolina in America, the same is fallen into such disorder, and confusion, that the publick peace, and administration of Justice (whereby the properties of our subjects should be preserved there) is broken, and violated, and the said Province is become wholly void of defence against any foreign enemy, or even against the incursions of the barbarous Indians; Whereby the southern frontier to our Plantations on the Continent of America, and one of the most fruitfull of our Colonys is in great danger of being depopulated, and the trade, and advantages thereof forever lost from the Crown of Great Britain. And whereas our said Province of Carolina, and our good subjects the inhabitants thereof, cannot

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be defended, and secured by any other means than our taking provisionally the Government into our own hands and immediate care, We therefore appoint you *etc.* [C.O. 5, 189. pp. 614-629.]

Sept. 27. **245.** H.M. Instructions (by the Lords Justices) to *Same*.
Whitehall. You are to choose and appoint 12 Councillors until H.M. further pleasure be known and transmit their names and qualifications etc. *Countersigned*, Ch. Delafaye. [C.O. 5, 189. pp. 630-661.]

Sept. 27. **246.** H.M. Instructions to *Same* relating to the Acts of
Whitehall. Trade and Navigation. [C.O. 5, 189. pp. 662-674.]

Sept. 27. **247.** Minute of Lords Justices in Council. Governor
Whitehall. Nicholson this day took the oath *etc.* *Signed*, Edward Southwell.
Endorsed, Recd., Read Jan. 11th, 1721. $\frac{3}{4}$ p. [C.O. 5, 358.
ff. 69, 70v.]

Sept. 27. **248.** Order of Lords Justices in Council. The Attorney
Whitehall. General is to bring a *scire facias* for resuming the Charter of
Carolina, *etc.* v. A.P.C. II. p. 780. *Signed and endorsed as
preceding.* 2 pp. [C.O. 5, 358. ff. 71, 71v., 72v.]

Sept. 29. **249.** [?Council of] Carolina, to Mr. Secretary Craggs. By
Charles
Town,
Carolina. the last account we are given to understand that after our
repeated applications to H.M., the old Proprietors have assigned
over their Charter to new Proprs., which in our humble opinion
is done to elude that Justice we might reasonably hope from
H.M. *etc.* *Refer to their last Petition. Continue:*—The new
steps taken by the Proprs. have not altered our former senti-
ments, and we are very unwilling to enter upon any measures
with the new Proprs. till our affairs shall be taken into H.M.
consideration *etc.* If H.M. shall think fit to confirme their
purchase or grant them a new Charter (neither of which do
we hope for), then we are desirous that for the peace and welfare
of this Colony a consideration may be had of these Articles sent
home to our Agent in a letter of the same date herewith. *Repeat*
complaint against Spanish privateers and the refusal of the
Governor of St. Augustine to restore vessels taken by them
since the cessation *etc.* *Conclude:* The sixth of this instant
they took a ship and a sloop off of the Capes of Virginia, as will
appear by affidavits sent to the Lords Commissioners of the
Admiralty. *Signed*, Richard Allein, Benja. Schensking,
Richd. Beresford, Sam. Eveleigh, Jos. Morton, Tho. Smith,
Sam. Prolean (*sic*). *Mem.* Mr. Boone acquainted the Board,
Dec. 22, that the Articles and Affidavits abovementioned are
not come to his hands. *Endorsed*, Recd. from Mr. Boone,
Read 22nd Dec., 1720. *Copy.* 2 pp. [C.O. 5, 358. ff.
59, 59v., 60v.]

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Sept. 29. **250.** Office accounts of the Board of Trade, June 24—
Sept. 29, 1720. *v.* Journal of Council. [C.O. 388, 77. Nos.
94, 96, 98.]

Oct. 3. **251.** Governor Hamilton to the Council of Trade and
Antigua. Plantations. *Refers to enclosures. Continues:* By which you
will perceive that these seas are again infested with pirates of
considerable force *etc.*, who on the 27th and 28th of the last
month openly and in the daytime burnt and destroyed our
vessels in the Road of Basseterre, and had the audaciousness
to insult H.M. Fort *etc.* (*v. encl. i.*) *Continues:* The *Rose*
man of war and *Sharke* sloop arrived here some time in June
last, but so much shattered with beating the seas, that the Capt.
told me soon after his arrival that the ship was almost unfit for
service very foul, and her upper works so tender that he durst
not heave her down: and there being no place of hauling her
ashore here, nor conveniences to refit her, and the hurricane
time coming on I thought it necessary and for H.M. service to
condescend to the Captain's request which was to let him go
to the Northward to refit upon promise that he would return
about the middle of this month. I hear by a ship arrived from
Boston that she is safe arrived there but that he cannot be with
me till the latter end of November next and indeed had he been
here 'tis much to be feared he would not have been able to have
coped with them, tho' on my part he should have had all the
assistance possible. In my letters of the 15th March 1717 the
6th of Jan. 17¹⁷ and the 19th Dec. following I humbly desired
your Lordships to represent to H.M. how uncapable so small a
ship as the *Seaford* was (or indeed any ship of that force as this
towitt the *Rose* is) was to protect the Trade from the insults of
these vermine, and that such ship would be in danger of being
overpowered even when she went out to cruise on them and at
the same time I desired that your Lordships would represent
to H.M. that a fifth rate or at least a ship of 36 or 40 guns,
might be appointed *etc.*, to which your Lordships were pleased
to answer that you had been informed several of the pirates
had surrendered *etc.*, and that you hoped the rest would
follow *etc.* upon H.M. Proclamation of pardon, but your Lords-
ships may now plainly perceive how little Acts of Grace and
Mercy work on these vermine (several of these present pirates
have, as I have been informed, surrendered more than once
upon H.M. said Proclamation) and that nothing but force will
subdue them; and I daresay had we a ship of that force we
should not only drive them out of these seas, but in some
measure prevent their doing further mischief, for they come
among these Islands not so much for gain, but to pick up
straglers, and victual their ships for other enterprises. I come
now once more as it is my duty to lay these matters

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before your Lordships, and humbly hope you will agree with me in opinion how necessary it will be for H.M. service, and the protection of our Trade that such a ship as I before mentioned should be sent on this station, and that your Lordships will represent this matter to H.M. and use your good offices towards procuring such a one *etc.* We are small Colonies and subsist chiefly on trade; if our homeward bound vessels are taken and plundered and our provision ships intercepted, what have we that lies not at the mercy of these villains? *Signed,* W. Hamilton. *Endorsed,* Recd. 5th, Read 9th Dec., 1720.
 $2\frac{3}{4}$ pp. *Enclosed,*

251. i. Extract of letter from Lt. General Mathew to Governor Hamilton, 29th Sept. 1720. [*St. Christophers*]. Upon the information of James Dennison (*encl. ii*), I had the sloop referred to examined, an inventory made, and refer Mr. Thomas Otley's claim to the goods to your Excellency *etc.* *Continues:* Tuesday about one of the clock Lt. Isaac Thomas sent me an express with notice that these pirates were actually coming into Basse Terre Road. I immediately ordered Lt. McKenzie to Charles Fort and put a subaltern and 30 of the Militia therein. Ordered Lt. Coll. Payne to get the two companys under arms at Sandy Point Town, Capt. Nat. Paine to do the like at Old Road, Major Willet at Palmetto Point, with orders to the gunners at these four places to be in readiness, and then rode to Basse Terre. I gat there by two found the pirates ship and sloop with black flaggs *etc.*, had cut out one ship that was under sail actually then, and had set two more on fire, and our Battery without powder or ball rammer or gun (except two) fit for any service, and everything in confusion. I took from Mr. Hare's store by force $7\frac{1}{2}$ barrels of powder, Mr. Parsons furnished a half barril pickt up about town, some shot big and little got four small three pounders from Mr. Peter Thomas mounted on the beach with some shot for them, and two more of the guns on the battery in order, and we had then a small cannonading for about an hour, but what with bad gunners unsizable shot *etc.* we did them no hurt and they went out of reach for that afternoon and night, this gave me some time to remedy our confusions *etc.* The ship they had taken belonged to one Fowls consigned to Mr. Parsons. Fowls with two of his men goes off to them just before I gat to town, and was kept on board. One Hinkston (whose behaviour savored much of knave or coward) had a ship in the Road which they set on fire, tho' there were 500 barrils of beef in, he had it seems sent his boat on board them of his own

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accord, which with his men they also detained, as they went out of the Road I perceived she burned but slowly etc. *With the aid of William Panton gets her ashore and puts out fire.* Continues: By the time the night was closed and every man had got his post along the Bay etc. Capt. Hinkston's men came on shoar from the Pirate, and brought me the letters (*enclosed*) etc. In the morning [*the pirates still*] lay off Basse Terre, waiting for these sheep. We got by this time 13 great guns in good order among them a 24 pounder, and had got shot from Palmeto Point and cartridge paper from Old Road, about 9 the pirate sloop stood directly in, and just about gun shot off a boat put off from her, and she stood out again, the boat brought on shore Capt. Fowles and one of his men and another man whom they would have forced, but his unwillingness and being troubled with fits made them put him on shore, this man is under a guard, and I wait the Sollicitor General's opinion about him having sent to him to examine him close. About 11 the sloop stood in again for these sheep etc. (for Capt. Fowl's forsooth could hardly be kept from going to them again hoping to have his ship etc.) The sloop came close in almost among our sloops, and we had time to give her two rounds of all our guns of which 7 hit her tore her gibb settled her made [= ? main] sail by cutting the hallyards 'tis supposed, and we believe one of the 24 pd. ball. took her in the bow. She made no return but got out as well as she could and shee and the ship ran into the Grand Golett and there turned Fowls ship adrift. I wish they may not have got some of your Excellency's mutton for their boat went on shoar etc. They stretched for Nevis, could not fetch hardly Morton's Bay; so stood away westward along shore. We brought Fowls' ship in again and found this fine distich in chalk on the companion

For our words sake we let thee go

But to Creoles we are a foe—

or something of remembering Creoles as a foe, and a Death's head and arm with a Cutlace, and on board Hinkston they had versifyed in chalk

In thee I find

Content of mind.

They standing along shore I got on horseback leaving the care of all at Basse Terre to Col. McDowal, and with about 70 horse and dragoons waited on them as far as Old Road, etc. This morning at 10 they were seen for the last time to the N. ward and E. of St. Bartholomews etc. Col. McDowal, Major Milliken,

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Mr. Spooner, Mr. Hunt and Mr. Thos. Otley gave me all imaginable assistance *etc.* *Recommends* Peter Thomas to command the troop of horse of Basse Terre. *Continues*: These villains are certainly going to windward of Antego and Barbados *etc.* They want bread and will wait some New England vessels coming. They offer any price for Mr. Pinney, Spooner and Brown for condemning their comrades at Nevis, threaten and bluster much and have intelligences off this island in particular that I am surprised at. *Same endorsement. Copy. 3 $\frac{3}{4}$ pp.*

251. ii. Deposition of James Dennison, gunner of Fort Hamilton, St. Christophers, 25th Sept. 1720. Deponent arrested Robert Dunn (*v. following*) whom he found landing goods out of a canoe. Dunn endeavoured to prevent him from examining the sloop *etc.* *Signed,* James Dennison. *Same endorsement. Copy. 2 pp.*
251. iii. Deposition of Robert Dunn, Master of the Sloop *Relief*, Jeremiah Burroughs owner, of Bermuda. Turtling in the harbour of Curriwacoo on 4th Sept., he was seized by a pirate ship and sloop, commanded by one Roberts, of Barbados, about 130 men all told. The remnant of the *Royal Rover's* crew are in this gang. The ship they took on the banks of Newfoundland, French-built, and one of 21 they took there *etc.* The pirates dismissed deponent after putting on board his sloop some bundles of old rigging and cloth *etc.* in return for his tending them with turtles *etc.* which they made him do. They said they intended to take Marygalante. They intend to take their revenge off Antego and Barbados and then go on the coast of Brazil or the East Indies. They would blow up rather than be taken. Every man double armed, and mostly Englishmen. Say they will when they leave these coasts take none but Spanish and Portuguese *etc.* *Signed, Robert Dunn. Dated and endorsed as preceding. Copy. 2 pp.*
251. iv. Deposition of Moyse Renos, (Moses Renolds, or Renault,) of Dartmouth, Mariner. St. Christophers, 26th Sept., 1720. Was taken by a pirate sloop when on a fishing voyage on the Banks of Newfoundland in a pink belonging to William Cane of St. Johns. Within five or six days they took four or five prizes amongst them a vessell of Bristol one Thomas Commander who formerly used to trade to Barbados they intended to use him ill but he giving them an account that a ship and sloop was fitted out of Barbados to pursue them (for they had been in the *Royall Rover* in these seas)

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and that it was reported at Barbados they had sunk the said pyrates, they in their merriments hereon returned him his ship and dismissed him but took two or three of his men by force who made their escape afterwards. Thence they went to Trepassi, and found in the harbour 22 sail of English bankers and fishers, of these they took one and in 10 days fitted her out with 18 guns for their own use obligeing the crews of all the ships to work and of the severall crews five or six took on willingly with them etc. They forced three or four more but only took provisions and left all the rest of the vessells there except one they burnt etc. They next took 5 or 6 sail of French bankers, among them the ship they are now in, putting the Frenchmen on board the ship they took at Trepassi, for they would not force or permit any of any nation to be with them only English etc. *Corroborates preceding.* Signed, Moyse Renos. *Endorsed as preceding.* Copy. $2\frac{1}{4}$ pp.

251. v. Inventory of goods taken on board the sloop *Relief*.
(v. Nos. i. and iii.) *Same endorsement.* Copy. 2 pp.

(a) Bartholomew Roberts, the Pirate, to Lt. General Mathew. *Royall Fortune*, Sept. 27th, 1720. This comes expressly from me to lett you know that had you come off as you ought to a done and drank a glass of wine with me and my company I should not harmed the least vessell in your harbour. Farther it is not your gunns you fired yt. affrighted me or hindred our coming on shore but the wind not proving to our expectation that hindred it. The *Royall Rover* you have already burnt and barbarously used some of our men but we have now a ship as good as her and for revenge you may assure yourselves here and hereafter not to expect anything from our hands but what belongs to a pirate as farther Gentlemen that poor fellow you now have in prison at Sandy point is entirely ignorant and what he hath was gave him and so pray make conscience for once let me begg you and use that man as an honest man and not as a C if we hear any otherwise you may expect not to have quarters to any of your Island yours, Signed, Bathll. Roberts. Copy. $\frac{1}{2}$ p.

(b) Henry Fowle to James Parsons. Sept. 27, 1720. Requests him to send in the morning some sheep goats etc. in a boat to the pirates. "I am treated very civilly and promised to have my ship and cargo again and desire Capt. Henksone to send his wheel that he stears his ship with, or it may be the worse for him" etc. Signed, Henry Fowle. Copy. $\frac{1}{2}$ p. The whole endorsed as preceding. [C.O. 152, 13. ff. 20-21v., 23-24v., 25v.-26v., 27v.-28v., 29v.-32v., 33v., 34, 35v.]

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Oct. 6. **252.** Mr. Delafaye to the Governors of Plantations. En-
Whitehall. closes Additional Instruction relating to Money Bills. *v.* Aug.
11th. *Signed,* Ch. Delafaye. [C.O. 324, 34. pp. 15, 16.]

Oct. 6. **253.** Council of Trade and Plantations to the Lords Justices.
Whitehall. Representation on petition of M. Hiriberry (13th Sept.). *Refer*
to representation of 5th June, 1719, upon which the late Lords
Justices did send orders to the Govr. of New England according-
ly. But the letter from Mr. Delafaye upon the first memorials
from the sd. Hiriberry and upon which our foresd. Representa-
tn. was made was dated the 28th May, 1719, and we now find
that H.M. was pleased about a fortnight before to grant the
said two vessels *etc.* to Capt. Smart (*v.* Sept. 13th). This being
the state of M. Hiriberry's case, we cannot see which way the
late Lords Justices gracious intentions towards him can be
made effectual without breaking in upon H.M. previous grant
to Capt. Smart and his crew unless your Excellencies should
be disposed to give the said Hiriberry a sum of mony in com-
pensation for his losses. [C.O. 218, 1. pp. 479-481.]

Oct. 6. **254.** Governor Nicholson to the Council of Trade and
Plantations. Their Excellencies the Lords Justices having
been pleas'd on your Lordships' Representation of 30th Aug.,
to direct a Commission to pass the Great Seal for trying pirates
in South Carolina, but as the same cannot be dispatch'd till
proper persons are nam'd *etc.*, prays them to lay before
their Excellencies the names of fit persons *etc.* Suggests a new
Commission for Virginia, Maryland and North Carolina. *Signed,*
Fr. Nicholson. *Endorsed,* Reed. 6th., Read 11th, 1720. 1 p.
Enclosed,

254. i. List of persons proposed by Governor Nicholson
to be of the Commission for trying pirates in S.
Carolina. *Signed,* F. Nicholson. 1 p. [C.O. 5, 358.
ff. 42-45v.]

Oct. 6. **255.** Governor Nicholson to Mr. Delafaye. Their Excs.
the Lords Justices having been pleased to signe an establishmt.
for the Independent Company designed for South Carolina,
but none for me as Governour, nor any other Millitary Officers,
encloses copy of an establishmt. for Govr. Philipps, "which
I had from ye Warr Office and I hope the Parliament will allow
the like for South Carolina which place in its present confusion
and unhappy circumstances can make no better allowance
than Nova Scotia *etc.* You will please observe to their Excelleys.
that the difference between Collo. Phillips's pay as Collo. and
mine as Capt. is 14s. a day, besides, he remained a long time
here with his pay as Govr. and had a great many advantages
of his officers and the clothing of his Regiment, none of wch.
I have or am like to have. Therefore I humbly hope that some

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allowance will be made me for the great expence I have and shall be at in providing equipage, necessarys for my voyage, paying my passage and passing my Comicons; that for Captain bearing date ye 24th of ye last month and that for Govr. the 26th so that my allowance as such can be but from those days. I have got from the Offices, the payments and an accot. of ye summs unissued on accot. of ye Garrison of Placentia by which it will appear what savings there are particularly of the pay of the Governour which was promised to me either as being Governour or as being Genll. and Commander in Chief of the forces in Nova Scotia and Newfoundland for which I had no pay therefore I humbly hope I have an equitable pretence to the said pay, but if their Excelleys. will be pleased to order me the said savings it shall be very gratefully acknowledged by me not only as a full sattisfaction on that accot. but likewise for my aforementioned expences." *Has neglected his private affairs in order to proceed on his voyage with all expedition etc.* Signed, Fr. Nicholson. $1\frac{1}{2}$ pp. Enclosed,

255. i. Payments by Mr. Howe on account for the Garrison of Placentia. April 1713-Dec. 1714. Total, £7447 12s. 1d. 2 pp.

255. ii. Account of sums unissued by the Rt. Hon. Robt. Walpole and the Earl of Lincoln for the Garrison of Placentia, 1713-1717. Total remaining unissued, £1482 12s. $1\frac{3}{4}$ d. Total amount of the Governor's pay 25th April, 1713-24th Aug., 1717. £1240 19s. 7d. 3pp. [C.O. 5, 387. Nos. 11, 11. i., ii.]

Oct. 7. 256. Governor Nicholson to —— Wase Esq. *Prays him to discourse Mr. Delafay about his establishment as Governor etc.* Signed, Fr. Nicholson. Endorsed, No order. Addressed. $\frac{3}{4}$ p. Enclosed,

256. i. Copy of Governor Phillips' Establishment:—

(i.) Collo. Phillips as Collo. and Capt. ...	£1	4	0
(ii.) Do. as Governor of Annapolis and Placentia	£2	14	$9\frac{1}{2}$
Lt. Governor of Annapolis Royal	10	0	
(iii.) Secretary to the Governor of Annapolis Royal and Placentia	10	0	
Fort Major or Adjutant	4	0	
Chaplain	6	8	
Commissary of the stores and provisions	4	0	
Comissary of the Musters and Judge Advocate	4	0	
Fire and Candle	7	0	
$\frac{1}{2}$ p. [C.O. 5, 387. Nos. 12, 12. i.]			

Oct. 11. 257. List of 12 persons proposed to be of the Commission for trying pirates in S. Carolina. Signed, Joseph Boone, Jno.

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Barnwell. *Endorsed*, Reed., Read 11th Oct., 1720. $\frac{3}{4}$ p.
[C.O. 5, 358. ff. 46, 47v.]

Oct. 11. **258.** Order of Lords Justices in Council. The Lords Commissioners of Trade are forthwith to present the names of persons proper for executing the Commission for trying pirates in S. Carolina etc. *Signed*, Temple Stanyan. *Endorsed*, Reed., Read 13th Oct., 1720. 1 p. [C.O. 5, 358. ff. 48, 49v.]

Oct. 11. **259.** Mr. Dummer to Mr. Popple. *Encloses* following. Some of the queries are not to be answered but on the spot or from the Custom house books etc. *Concludes*: I am going to the Old Bailey to prosecute a gang of rogues who have bin counterfeiting our Province bills. I have seiz'd 900 of ye false bills with all the copper plates. *Signed*, Jer. Dummer. *Endorsed*, Reed. 11th Oct., Read 6th Dec., 1720. 1 p. *Enclosed*,
259. i. Mr. Dummer's answers to 21 Queries from the Council of Trade and Plantations relating to the Massachusetts Bay and New Hampshire. $4\frac{1}{2}$ pp. [C.O. 5, 867. Nos. 77, 77. i.]

Oct. 13. **260.** Commodore Percy to the Council of Trade and Plantations. Encloses following. *Signed*, F. Percy. *Endorsed*, Reed. *at sea.* 23rd. Read 28th Jan. $17\frac{2}{3}$. *Addressed*. $\frac{3}{4}$ p. *Enclosed*,

260. i. Answers to Heads of Enquiry relating to Trade and Fishery of Newfoundland. (v. April 6th) (i) Complaints of irregularities are not without just cause. (ii) The rules of the Act are trifled with by most persons, the Admirals have little regard to anything but their own interests. (iii) Too common, unless prevented by us. (iv) After the departure of the convoy, it is customary for the ships remaining behind, and the inhabitants resideing the winter; not only to destroy the stages, flakes and cookrooms, but even the fishing shallops etc. Nor is that care taken by the masters of the fishing ships to repair the stages, cook roomes etc. properly belonging to them; because they sent their ships out of the Banks, having left off fishing near the shore, hire the inhabitants stages, store-houses etc. cheaper then they can repair those that belongs to them; which has been a means of several encroachments, and if some method be not taken to prevent such practices, here will be no roome left for the fishing ships to cure the fish, they bring from the Banks; There has not all this summer, neither is there in all this harbour, one stage standing belonging to the fishing ships. (v) There are in this harbour (*i.e. St. Johns*) many fishing ships roomes unoccupied, it being chargable to build the flakes, etc.

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Differences relating to them are generally decided by the Admirals *etc.* (vi) Notwithstanding orders by former Commanders, to several persons to relinquish such stages, room's, storehouses *etc.* as have been by them condemn'd as ships roomes, they have not so done; particularly in St. Johns several persons have engros'd on the Admiral's and Vice-Admirals rooms, by building of dwelling and storehouses on the same. 8 names given including that of Governor Collins. The Admirals and masters of fishing ships bring goods to trade with the planters which is the reason they connive at these encroachments. (vii) They continue to encroach on the fishing ships rooms; because the masters don't keep up their stages, nor employ any shollops, but send their ships out on the Banks to fish. (viii) The Byboatkeepers don't meddle with ships' rooms, but hire from the inhabitants. (ix) They don't comply with the Act in bringing over green freshmen *etc.* No return is made by the Admirals. (x) The inhabitants can't so well comply with the Act, as to the number of green men, having no other opportunity of procuring servants, then shiping such as are free from the former masters, or passengers directly from England. But the inhabitants of St. Johns have intirely left off keeping of boats and servants for fishing, the voyages has prov'd so bad for several years past, that has impoverish'd the planters very much, and made them uncapable of prosecuting the fishery. They live by letting out their stages, flakes *etc.* and keeping publick houses, to the great detriment of the fishing trade, there being this year only two boat kept by the inhabitants of St. Johns. (xi) There are a great number of boats, trainfatts *etc.* unoecupied. (xii) They do not rind more trees then is made use off to cover the houses, and stages *etc.*, nor do distroy timber otherwise, then for building and fireing. (xiii) No complaint. (xiv) No. (xv) They are not so ready to do justice to the several complaints, which occasions abundance of trouble to us, to whom all trivial complaints are made, as well as all appeals from other harbours. (xvi) There being no parson, the chaplain of my ship did duty *etc.* (xvii) There has not been of late years, any aliens, or strangers, that has presum'd to fish in any of the parts of Newfoundland, from Cape Bonavista to Saint Peters. (xix) The inhabitants are supply'd with great quantities of rum, moloss's, flower, pork, sugar, tobacco, black cattle, sheep *etc.* from the American sloops, and New England factors to the yearly value of £10,000 sterl.,

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the produce of which is sent to Great Britain by bills of exchange, and returned to America in linnen, and woolen manufactorys. (xx) The inhabitants and byboatkeepers are furnish'd with all their sail cloaths, and furniture for the fishery, from England only. (xi, xii) The scarcity of men very much enhances the wages, insoemuch that a boats wages for five men during the fishing season, will amount to £70, the charge of the boat, craft, salt, and provisions for curing 200 quintles amounts to £60 more, all which charge is to be paid out of the fish that shall be taken by three men in one shollop, the other two being left on shore for curing the fish. For several years last past, very few, if any of the inhabitants has taken so much fish as would alone pay men's wages, and charges of the boats, allowing the provisions intirely lost. (xiii) The fish taken by planters, byboats etc. is alwayes at one, or the same price, and no manner of difference in the charge of fishing, excepting the mentaining winter servants, which the planters are often necessitated to do, or want them the next season. (xiv) At Saint Johns, they drink and debauch themselves all the winter, and their servants in cutting firewood etc. In the other Southern parts they do repair their houses, stages, flakes, and build boats against the spring. But to the N. of Bay Verds the planters and servants are employed in seal fishing. Last winter was taken in Trinity and Bonavist 260 tons of oyle etc. (xv) The furr taken at Bonavist amounts to £2000, which with the oyle was sent to England. They have no commerce with the Indians, who are a savage people, not as yet acquainted with the use of guns. In the summer season they come to the southward, have been seen near Bonavist. In the winter they go further northward in canoose, made of birchin rinds, which they sowe together with the sinnews of bucks, and pay the seams with frankincence. (xvi) The inhabitants' houses are generally built above the flakes, and those near the shoare side, are where no stages, or flakes can be, which is no hindrance to the fishery. But there are a great many publick hous's, and storehous's built near the water-side, which are encroachments on the fishing rooms, and very prejudicial to them. (xvii) All rooms cut out by the inhabitants, that did not belong to the fishing ships, since 1685, are still theres, tho' not occupied by them, but let out to hire to the fishing ships, and by boatkeepers, the rent of one boatsroom being valued in peace at 6 or £7, and in warr 10 or 12,

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(xxviii) 5 flakes of 100 x 46 ft. are esteemed to be a boatsroom and generally built according to the ancient custome, from the water side upwards. (xxix) There has not been any records left of what room properly belong to the fishing ships, which has been the occasion of many disputes, and a means that the greatest part of the ships-room is built upon, and possest by the inhabitants of St. Johns. (xxx) The fishing ships, and by boatkeepers furnish themselves with provisions and craft from Great Brittain and Ireland. (xxxi) No ship, that has not clear'd from Great Brittain on a fishing voyage, that does not bring a certificate of his quallification pursuant to the Act, is allowed to be Admiral: But ships that are so quallified, notwithstanding they touch in Ireland for provisions, France or Portugal for salt, are allowed the same liberty, as if directlye from England. (xxxii) The putting of passengers into possession of ships rooms, was formerly practiced, but not lately. (xxxiii) The by boatkeepers alwayes hire their stages, boatrooms *etc.* from the inhabitants. They are the only support of the fishery in this country, ought greatly to be encourag'd for their indefatigable industry, and hard labour. (xxxiv) Some few fishing ships still follow the custome of sharing the fish to the several persons concern'd; the by boat keepers are generally three of them partners in one boat, with only two servants, and 'tis very remarkable, that they take every year 100 quintles of fish more then the inhabitants ever do, who hire servants to fish for them, whilst they live on the shoare, follow suttling, and pedling: which ruined many of them. The ships which goes on the Banks, the master or merchant is at the charge of the ships provisions, craft, *etc.* for the voyage. They often take the poorer sort of inhabitants with them, who are allow'd one third of all such fish as they shall respecitively take, deliver'd to them cured and fitt for market. This way is very good for certainly every man then will be industrious *etc.* The charge of fitting a ship from the builder, of 100 tons, with 50 men and 10 boats, will amount too for the whole season, allowing £600 for the ship fitted, £1540. (xxxv) The British ships do frequently import from France, Spain and Portugal brandy, wine and oyle, which they bring in their salt directly from thence seldom less then 30 sail, every year uses that trade openly. I have taken cognizance of the masters of those ships, as has done it this year, in this port, which I leave to your Lordships determination. *Three names given.* (xxxvi) It

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is sold to the inhabitants of Saint Johns, who all keep taverns, and sutting houses, and drank here. It cannot be exported to New England *etc.*, because great care is taken by the Custom house Officers in America, it being prohibited, both ship and goods forfeited. (xxxvii) Great quantities of rum is yearly imported from New England *etc.* seldom less then 600 hhds. (to the ruin and destruction of the people and country) together with a considerable quantity of moloss's, tobacco and sugar, all which is expend'd in this land ; but no cotton wool, dying wood, ginger or fustick, has lately been brought here ; nor any carried to Spain, Portugal, or any other parts, by any indirect trade. (xxxviii) 'Tis uncertain what quantitys of goods in general are imported in all Newfoundland, but this year by the nearest estimate has been brought into this harbour, in bread, flower, pork, rum, moloss's, tobacco, black cattle and sheep, from the American Islands, and New England, to the value of £6000 sterl., all which is sold for fish, and laded on board the sack ships, excepting some small quantities of refuse fish sent in sloops to the Maderas, and American Plantations in the West Indies. (xxxix) The inhabitants of Saint Johns keep taverns, and eating houses for the masters of ships, and factors. Others suttle ; but all in general sell liquor to the fishermen, and seamen belonging to the ships. Here are a nest of little pedlers, who goes under the denomination of merchant factors, have small storehouses, sell rum, wine, tobacco, and sugar by retail. Inhabit amongst the planters all the winter, and involve them over head and ears in debt, which after the fishing season, causes so much villany, and knavery, as cannot be parraleld. A planter by them, is often reduced to a servant, and soon after to slavery for life ; unless he transplants himself to New England, leaving them in the lurch. There is no limiting the publick houses by licence, for after we saile there is neither law nor reason amongst them, not so much as self preservative community. (xl) The inhabitants and by boatkeepers do frequently trust their servants with liquor, and tobacco to the full of their wages. That at the end of the fishery, they have not wherewithall to buy themselves bread. Are necessitated to transplant themselves to New England, or starve in the winter. (xli) The passage of a servant from England is 50s., to £3, and back 30s., which is paid in fish to the masters of the ships in the Land. (xlii) It is certain that trusting the fishing ships' crew is very prejudicial to the masters concern'd in

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the fishery. The people naturally love strong liquor, and are too often in such a condition as make them uncapable of performing their duty. (xlvi) The masters of fishing ships, and by boat keepers contrive to leave their servants behind, by giving them too great credit, or cheating of them ; for open knavery is here lookt upon no other, then close dealing. Last year Capt. Ogle oblidg'd all the American sloops and brigantins to sail out of this harbour with him ; but they had no sooner parted company, then those very vessells returnd back againe to Saint Johns, for all such men as would go with them to New England, which they were fully freighted with *etc.* (xlv) The New England masters do still continue to carry away great numbers of fishermen, and others ; notwithstanding that due care is taken to prevent it. The Admirals of the several ports, were H.M. ships does not reside, never trouble their heads about preventing that pernicious practice. (xlv) In this port, no one has, or shall depart without entring into such bonds, and attested in such manner, as the same may be prov'd in England ; and unless some of the forfeited bonds be put in execution, it will be impossible to prevent them. John Miller, master of the *Nassau* sloop off Charles Town in New England carried off Roger Parker from Renoose on purpose to cheat all his servants, as may be proved by 5 names given. (xlvii) I have represented to the respective Admirals, the loss of credit the Newfoundland fish has in foreigne markets *etc.*, and find it chiefly oweing to the fishing ships, who have left off keeping of shallops, and fishing near the shoar ; but send their ships, and vessells on the Banks for a month, or five weaks, then bring the fish into the land to cure ; such fish as are caught at the begining of the season, are good ; if rightly salted ; but in the height of summer, and latter end of the year, very bad. The by boat keepers and planters are greatly to blame in not giving the fish due time to cure on the flakes *etc.* If the ships continue goeing on the Banks, will in a few years ruinate this trade, and country ; tho' the rum has struck a great stroke towards it already. (xlviii) Great numbers of French fishing ships use the Banks on the coast of Canada, and Cape Breton. (xlix) There are not above 10 French residents in St. Peters, St. Lawrences, and in Placentia ; who conforme to the Treaty, and are supply'd with craft and servants from England ; but here are brought over every year by the Bristol, Biddiford and Bastable ships great

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numbers of Irish roman Catholick servants, who all settle to the southward in our Plantations ; which if a warr with France etc. would be a direct means of loosing this country, who would joyne with any enemy, if some care be not taken to suppress the same, it may not be improbable that these very fellowes may turn pyrotts in a little time, especially, after a bad fishing voyage. (xlix) The French fish in the northern parts of this land, but don't reside there all the winter, nor build houses, neither do they come from any other parts to hunt for furr, but there are a sort of French Indians who take a considerable quantity of furr in the winter and sell to our tradeing people. (l) The officers don't concern themselves with the fishery in Placentia, which place is of the least consequence to the fishery of this land, it lying farr out of the way in a deap bay ; where very little fish is caught. It was of great service to the French in time of warr, where there So. Sea West India and Banck ships joyned the convoy, which every fall lyes ready for them there, as well as annoying our trade here, and along the American coast. (li) George Skeffington has met with no molestation this summer. Has employed 30 men servants in the salmon fishery, 20 of which were raw, green men. Has taken 530 tirces of salmon, 330 of which was sent to Italy and 200 to Bilboa, price £1 15s. pr. tiree. There was taken last winter £2000 in furr, and £4000 in seal oyle, which seal fishery in a little time will be of great advantage, in and about Bonavista. H.M.S. *St. Albans*. St. Johns, 8th Oct., 1720. *Signed and endorsed as preceding.* 11½ pp.

260. ii. Scheme of the Fishery at Newfoundland, 1720.

Totals: Fishing ships, sack ships and ships from America, 101 ; Burthen, 12,210 tons ; men belonging thereto, 2,240 ; passengers on the fishing ships, 1,206 ; number of boats kept, 617 ; by boatmen, 713 ; quintals of fish made, 80,220 ; carried to foreign markets, 94,030 ; train oyl, 590½ tons ; price, 28 ryals pr. quintal of fish ; £16 pr. ton of oyl ; stages, 276 ; train fattes, 138 ; inhabitants, 2,320, of which 2,057 remained in the country last winter. *Details of ports, etc. given.* *Signed, dated and endorsed as preceding.* 2 pp.

260. iii-vii. Five bonds in £500 each given by the Masters of New England ships, only to depart with such men as really belong to their ships etc. H.M.S. *St. Albans*. 5th Aug.-27th Sept., 1720. *Endorsed as preceding,* 5 pp. [C.O. 194, 7. ff. 1v., 3, 5-12v., 13-17v., 18v.]

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- Oct. 14. **261.** Mr. Cumings to the Council of Trade and Plantations.
London. Having received a letter from Boston dated 2nd Sept. in which I have the following paragraph, "This morning arrived att Boston from Canso Mr. Henshaw son in a sloop who brings the bad news of the French setting the Indians upon the English fishery there the 15th Aug. with French amongst them and seized to the value of £10,000 sterl. in fish and merchandize and carried it over to Cape Bretton and killed three English men the English have taken severall of the French that were in the action and have sent them prisoners to Govr. Philips att Annapolis Royall." The above coming from a gentleman of credite I thought itt my duty to lay itt before your Lordships as also that by the printed news from Boston of 29th Aug. the Indians in the eastern settlements of New England by instigation of the French missionaries insult the English by killing their catle and robbing ther houses which has obledged the people to leave ther habitations and goe into garrisons as farr as York in the province of Maine. My Lords, I am most humbly of opinion that unless the eastern parts of New England and the coast of Nova Scotia be protected by the Crown the setlements cannot be carried on in safety nor the fishery to advantage which is capable of great improvements and if the french missionaries amongst the Indians in the Brittish Dominions be not obledged to retire the inhabitants will not be able to live in peace and tranquillity while they remain. *Signed*, Archd. Cumings. *Endorsed*, Recd. 14th, Read 18th Oct., 1720.
Addressed. 1 p. [C.O. 217, 3. No. 12.]

- Oct. 14. **262.** Same to Mr. Secretary Craggs. Duplicate of preceding.
London. *Addressed*. 1 p. [C.O. 194, 23. No. 32.]

- Oct. 16. **263.** Extract of letter from Mr. John Riggs to Genl. Nicholson.
Albany. The hammocks you are pleased to say, you left at Fort Nicholson, I never heard of them before, nor Sr. do you name with whom you left them. Lt. John Scott has, for these several years, been posted at Fort Hunter with twenty sentinels, a sergeant, corporal and drum, as is still Capt. Schuyler at Schonnectady with the like complement. Mr. Andrews, as to the progress he made with ye Indians, there is very little if any appaarence of it, for they soon return'd to their primitive state again. The French at Canada are still very busy with our Five Nations, and take much more pains to gain them than we do to keep them; I think we are much in the wrong to suffer the French to come daily to Albany to buy what goods they want, with which they supply our Indians and the foreign Nations, and have got leave of the Senecaes to build a fort at Orijagray, the place at which the foreign Nations must pass over to come to us, with two or three forts more up towards the Lake Erie. Sr. you must believe the French have a great interest wth. our Indians,

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when they can or dare do this, pray God send, we do not lose them. Sr., you know the consequence and what must follow. In the beginning of Sept. our Precedent Queeder came up here to renew our Covenant and secure the Chaine, but half the number did not come as usual, so that the Chaine was not well secured in my thoughts. As for the clothing of yours to be given to the Indians, you mention, I never heard of any given or to be given to them. As for the plate belonging to Fort Hunter in ye Mohacks Country, it was left with Lt. Scott, who commands there, by Mr. Andrews when he went away. As for the plate and furniture for ye Anendagoes Fort, Mr. Bartlett our Priest tells me Colo. Hunter still has it, for there never was any Fort erected there as yet, nor Minister appointed. Our good priests were never cut out for hard labour, nor will they work miracles in Religion till they can ly on ye ground, Sir, as we have done for months together, and be very glad when they can meet with a piece of bear otherwise called an Oghquary, or of a fox or racune without either bread or salt to it. I beg your Honrs. pardon for naming a small march we had to Norridge Walk from Pemequid against ye French and Indians about 30 years ago. The fellow to this march would qualify one of our Priests or Ministers, as they must be called, for a missionary abroad. Sir you remember I was one of ye officers commanded on that service, and we performed it, burnt their fort to ye ground; on that service officers and soldiers carryed their own provision in a leather knapsack; a few pease, a few bisketts and a piece of salt pork were our provision and store; marched out 250 miles upon the snow four or five foot deep under us, our drink was snow melted in our mouths, never saw one house, at night cut down some spruce boughs to lye upon, and if it chanc'd to snow we lay the warmer under it, while the fort was burning down I was warm, and having an inclination to clean linnen, I went to turn my shirt but found nothing except the neck of it, nor did I know when it went away. As to the Palatines there are still some at Mr. Levingston's Plantation, and a pretty many at Scoherye, but I never was among them; some are gone to the Garsees [? = Jerseys, Ed.] and some to Philadelphia Governmt. where they think to fare the best. Few or none of our Indians coming here this season, I could not procure you those things they used to bring. $2\frac{1}{2}$ pp. [C.O. 5, 387. No. 13].

Oct. 17. **264.** Governor Burnet to Mr. Popple. *Encloses following etc.* Signed, W. Burnet. Endorsed, Recd. 5th, Read 27th New York, Dec. 1720. 1 p. Enclosed,

264. i. Speech of Governor Burnet to the Assembly of New York, 13th Oct., 1720. Refers to his "incomparable predecessor" and the flourishing state of the Province as left by him "who is still ready to take care of its

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interests, which H.M. favour, and the general regard shown him at home will give him great opportunity of doing *etc.* I meet a Council and Assembly who assisted him in those great and good measures, that are now completely confirmed by H.M." Urges provision for the great deficiency of the present Revenue, and defence of the frontiers against the intrigues of the French with the Five Nations and other Indians and their advance "every day farther into our country, building trading houses in the main passes belonging to it" *etc.* *Same endorsement.* Printed. $2\frac{1}{2}$ pp.

264. ii. Opinion of the Chief Justice of New York. The opinion that an Assembly is *ipso facto* dissolved by the publication of a new Governor's commission is but of late date and without any foundation in law *etc.* *Argued. Signed,* Lewis Morris. *Same endorsement.* $6\frac{1}{2}$ pp.
264. iii. Similar opinion of the Attorney General. New York, 24th Sept. 1720. *Signed,* David Jamisson. $2\frac{3}{4}$ pp.
264. iv. A. Hamilton to Dr. Johnson. Philadelphia, 27th Sept., 1720. The men of the best judgment here agree with *preceding etc.* $3\frac{1}{4}$ pp.
264. v. Copy of writ for choosing Representatives of the present Assembly of New York. *Endorsed as covering letter.* 1 p. [C.O. 5, 1052. ff. 90v.-100v.]

- Oct. 18. 265. Council of Trade and Plantations to the Lords Justices.
Whitehall. *Representation upon Act of Barbados, 1719, to empower the Governor or Commander in Chief and Council to commute the value of powder, armes and ammunition or other stores, that are or shall be found wanting in the account of store keepers of the Magazines, and to reduce the same into money.* The magazine in Barbados is supply'd by a duty laid of so much powder pr. ton on all vessels trading thither, which is to be paid in specie and not in money least otherwayes there might not be a sufficient quantity of powder to be purchas'd in the Island upon an emergency, which, in time of war, has sometimes happen'd. But this law impowers the Governor and Council to receive money from a storekeeper upon the making up of his accounts in lieu of such stores as he cannot account for which cannot answer the end for which ye powder duty was given, and may prove of dangerous consequence to the Island. One of the pretences for the passing of this law is the making the storekeeper accountable which seems to us unnecessary in as much as the storekeeper upon the entering upon his office is already oblig'd to give security in ye sum of £10,000 that Island

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money and to take an oath for ye faithfull discharge of his duty. Upon the whole, we are humbly of opinion that this Act is not fit to receive H.M. Royal approbation. [C.O. 29, 14. pp. 82-84.]

Oct. 18. **266.** *Same to Same.* Enclose copy of Mr. Cuming's letter Oct. 14 *supra*. Upon this occasion we humbly represent to your Excellencies our opinion that restitution be made to H.M. subjects, who have had their fish and effects thus seized before any satisfaction be given to Mr. Hiriberry as was proposed by our former representations of 5th June, 1719 and 6th instant. And so much the rather because this seizure seems plainly to be intended as a reprizal for that particular case. What we have further to observe upon this head is, that our possession of Nova Scotia, and the fishery on that coast is very likely to be very precarious till that Province shall be better settled, a sufficient force sent thither and some small forts erected in proper places for the protection of the British vessels fishing on that coast but more especially in the harbour of Canço. [C.O. 218, 1. pp. 484, 485.]

Oct. 18. **267.** Mr. Delafaye to Governor Shute. The Lords Justices send you enclosed Order that you may take care to have it safely convey'd to the French Govr., and may obtain the release of those prisoners pursuant to the Law of Nations and the Treaty of Peace between the two Crowns, etc. *Signed*, Ch. Delafaye. *Endorsed*, Recd. 20th, Read 21st Oct., 1720.

1 p. Enclosed,

267. i. Order by the Regent of France to M. le Marquis le Vaudreuil. M. Sutton complains that you keep in captivity several English prisoners. The Council can hardly believe it, for in that case you have not performed the orders given to you 28th June, 1713. In case you still have any English prisoners, you are to give them full liberty to return home, or remain in the Colony, if they choose. *Signed*, L. A. de Bourbon.

¾ p. French. Copy. Encloses following.

267. ii. Sir Robert Sutton to the Duke of Orleans, Regent of France. Paris, 19th Sept. (N.S.) 1720. The Governor of Canada has refused to give back several English prisoners taken during the last war, although the Governor of New England has often claimed them by virtue of the 23rd Article of the Treaty of Utrecht. Requests H.R.H. to despatch orders for their release etc. *Signed*, Rob. Sutton. *Copy. French. ¾ p.* [C.O. 5, 867. Nos. 76, 76., i., ii; and 324, 34. pp. 16-18.]

[Oct. 20.] **268.** [?John Conrad Weiser] to the Lords Justices ("the Lords honourable to Deputies in the Regency"). On behalf of the

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Palatinates in New York returns thanks for permission "to choise us a land fit for us farmers and grasers of cattel." They unanimously ordered us to desire a grant of the land called Schettery, the most fruitful and convenient for the purpose in the whole country etc. *No signature.* v. 25th Oct. *Endorsed,* 20th Oct., 1720, Read 18th May, 1722. 1 p. [C.O. 5, 1053. ff. 52, 58v.]

[Oct. 21.]

269. Capt. Benjamin Young to the Council of Trade and Plantations. *Describes coast, fishery and harbours of Nova Scotia. Continues:*—But what excells them all is Canso, which is invaluable for its fishery. Tis here such great quantittys of codd herring and macrell swarm amongst the Islands that when I was there in H.M.S. *Rose* there was then 96 sail of English and 200 French makeing their voyages, the English vessels from 50 to 70 tonns the French small shallopes and when fish is scarce at other places here they are always plenty for on letting the line down they draw up two and two as fast as they can pull it. Upon my arrivall at Canso haveing observ'd the French was come over with a design to fish I order'd them away to there own coast and after went with H.M. ship to Lewisbourgh were Monsieur St. Ovid Brouillard the then governor assur'd me he knew nothing of those fishermen goeing over for that 'twas contrary to the Treaty of Peace and that he should take caution to prevent their doeing the like for the future. I sayled again to Canso were our vessels were all soon laden. When a ship of warr is not there or any thing to hinder the French fishing amongst us then our fishing vessels cannot take 4 fish when they will take tenn. They fish with fresh and we with salt bait we come 180 leagues they but 7: they in small boats we in large sloops all which for want of a garrison or a protection of our people from the indians who the French sett on to our ruin in those parts. If a fort were to be built King Georges Island formerly call'd Canso Island would be the best place which fortification would command the harbour and beaches etc., and prevent the French or Indians from disturbing us. A ship of warr must attend the work till its compleated, which whenever they appear in the Plantations carrys awe to the French, and dread to the Indians. I must humbly beg your Lordshipps' favour if there is a small ship sent there for myself, who have served the Crown 24 years etc., there being no officer in England who knows the coast or place but myself. *Signed,* B. Young. *Endorsed,* Recd. 21st, Read 27th Oct., 1720. *Addressed.* 2 pp. [C.O. 217, 3. No. 13.]

Oct. 22.
Virginia.

270. Lt. Governor Spotswood to the Council of Trade and Plantations. I have commissioned Col. Jenings Secretary of this Colony in place of Dr. Cocke deed. etc. *Recommends* John Robinson to succeed him in the Council etc. *Set out,* Spotswood

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Papers. II. 343. *Signed*, A. Spotswood. *Endorsed*, Reed. 30th Nov., Read 2nd Dec., 1720. $1\frac{3}{4}$ pp. [C.O. 5, 1318. No. 78.]

Oct. 24. **271.** Governor Burnet to Mr. Popple. Encloses duplicates by way of Philadelphia of what sent by way of Boston, 17th Oct. etc. *Signed*, W. Burnet. *Endorsed*, Reed. 1st, Read 14th Feb., 1721. *Holograph*. 1 p. [C.O. 5, 1052. ff. 149, 150v.]

Oct. 25. **272.** John William Schäff to the [*Council of Trade and Plantations*]. After the government put to our choice whether we would rather stay in Schuchary or go to another place, I choose in the name of our people the above sayd Schuchary, which was cultivated by us with great pains and where we have built houses etc., the leaving of which would be very hard and which we can never resolve to do except a full satisfaction would be made to us etc. I protest against the acceptation of the land called Schattera, for which my comrade John Wiser is, because there is never a city nor any strong place for our defence, so that we would be a prey to our enemies, for every minute (v. Oct. 20th). *Signed*, John William Schäff. *Endorsed*, Reed. 25th Oct., 1720. Read 18th May, 1722. $\frac{3}{4}$ p. [C.O. 5, 1053. ff. 54, 55v.]

Oct. 25. **273.** Henry Newman to Mr. Delafaye. Honoured Sr., I have made a new enquiry into the progress of the New Bubble, I had the honour to mention to you t'other day, for sale of H.M. subjects and the lands they have improv'd in the whole Province of N. Hampshire and about 30 towns and villages in the northern part of the Province of Massachusetts Bay, and am inform'd from good hands that the affair still goes on. Mrs. Jane Allen of Highgate widow, is selling her pretended right and that of her children to a grant formerly made to James Mason Esq. in that part of America for £15,000 to Capt. Ben. Young, Mr. Cummins and Mr. Campbell and others who propose to divide it into 2500 shares and to sell each share at 30l. and that each proprietor shall advance 10l. towards the purchase and 6 months after 10l. more, and the remaining 10l. as there may be occasion, making in all 75,000l. under a pretence of more effectually carrying on a fishery and the raising of Naval Stores in those parts. In order to which they are now attending my Lord Chancellor to get the will of Mr. Allen deceased proved in Chancery and his Lordships approbation of guardians for the children impower'd to sell the same for payment of debts and raising fortunes to the children out of the effects that shall remain. If you think fit to let His Excellency know of this, I am sure whatever decree His Lordship may grant in their favour he will never encourage

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the real design of the purchasers, much less enable them to disturb the present possessors of those lands who have defended them above 70 years past from the French and Indians at the expence of a river of blood, and an immense treasure under which they groan to this day. *Signed*, Henry Newman. [C.O. 5, 931. No. 12.]

[Oct. 27.] **274.** Memorial from several merchants trading to Carolina. What may be done to retrieve the desolation of Carolina *etc.* To recover the friendship of the Indians, by encouraging trade under proper restrictions, such as prohibiting selling to them upon trust, which was the chief occasion of the last warr, being drove thereto by despair; prohibiting upon yet greater penalties the selling as a slave any person of the Nations in amity with us. To prevent abuse therein, none but deputies from the publick should have power to buy Indian slaves from those Indians in alliance with us as taken in warr, to be transported to the Islands *etc.* To discourage the sale of strong liquors to them *etc.* A law, that nobody may have more than 10 negroes to a white man *etc.* No law that may regard directly or indirectly the subjects of Great Britain (other than those residing actually in Carolina) ought to have force against them untill ratified in England. No law to be enacted in Carolina repugnant to the laws of England. No law for the future to oblige anybody to take paper in payment of debts which hath been the mainspring of the ruin of that province and of the honestest part of France. A due execution of the laws ratified in England, and no protection for those that bids defiance to them *etc.* Merchants will then adventure their estates to help them, when no more at the discretion of designing men, who under spurious pretences have introduced paper money that they might under the shelter of a law pay their debts, at the rates of 2/6 per pound. Unless the paper can be sunck and their money be reduced to the old standard according to H.M. proclamation, there will be no safety for honest men to adventure thither. *Signed*, Steph. Godin and 15 others. *Endorsed*, Reed., Read 27th Oct., 1720. 2 pp. [C.O. 5, 358. ff. 50, 50v., 51v.]

Oct. 27. **275.** Governor Nicholson to Mr. Delafaye. I find there is a difficulty concerning agreeing with ye Masters of ye two transports bound to Carolina, about ye freight of the stores from ye Tower, therefore humbly begg their Excelleys. will please to give directions to the Comrs. of Transports to agree about them *etc.*, and of the freight of the presents for the Indians concerning which the Lords of the Treasury will this day give directions; and the freight of 3 months subsistence for the Company *etc.* Refers to enclosures, and proposes that 600 gallons of Geneva in lieu of beer be sent from Portsmouth where I

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hear is the best and cheapest it is a drink I find the soldiers much use and that taking a dram moderately is very wholsom etc. So soon as directions are given concerning these things I hope the ships will sail round for Portsmouth and Plymouth in order to take the men on board etc. *Signed*, Fr. Nicholson. *Marked in margin*, alld. 1 p. *Enclosed*,

275. i. *Same* to the Secretary of the Victualling Board. 20th Oct., 1720. I was very much concerned to find that the Honble. Commrs. had made any scruple about ye beer wch. is one of the principall species of provisions necessary for the men bound to Carolina considering that part of it which we are designed for is very nigh 200 miles from any town. We are to lye in tents or hutts and not certain whither we shall find good water soon etc. *Signed*, Fr. Nicholson. *Copy*. 1 p.

275. ii. Secretary of the Victualling Office to Governor Nicholson. Victualling Office. 21st Oct., 1720. The Commissioners having already furnished the usuall species of provisions for men going to Carolina, cannot do anything more therein without further directions etc. *Signed*, Sprig Manesty. *Copy*. $\frac{1}{2}$ p. [C.O. 5, 387. Nos. 14, 14. i., ii.]

Oct. 27. 276. Council of Trade and Plantations to the Lords Justices. Whitehall. In reply to 11th inst., *present* names of persons proper for executing commission for trying pirates in S. Carolina. [C.O. 5, 400. pp. 135, 136.]

Oct. 31. 277. Lt. Governor Bennett to the Council of Trade and Plantations. A vessell touching here from South Carolina gives me this opportunity etc. On 17th Aug. last was held a Court of Admiralty for the trial of two persons accused of piracy, one whereof was acquitted, the other pleading guilty sentence of death passed against him, and was accordingly executed: the proceedings of the Court are herewith sent. *Refers to letter etc. of 24th Dec., and encloses Minutes of Council, 7th June, 1708-7th June, 1720 etc. Signed*, Ben. Bennett. *Endorsed*, Reed. 20th March, 172 $\frac{1}{2}$, Read 13th June, 1722. $1\frac{1}{2}$ pp. *Enclosed*,

277. i. Proceedings of Court of Admiralty, Bermuda *as above*. Aaron Gibbens found not guilty, William Bournal guilty etc. *Same endorsement*. 10 pp.

277. ii. News, 1720. Bermuda. On 6th July Capt. Francis Landy, Commander of the privateer sloop *Devonshire* fitted out by the inhabitants returned from his cruse on the Spanish coast. Reports that on 11th May off of Cape Rose on Hispaniola he discovered two Spanish privateers standing without him. Having a small

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privateer in company which he had taken some time before, he quitted her for a decoy, which one of them gave chase to, the other makeing for him. He engaged for six hours, boarding the enemy thrice, and after an obstinate defence carried him, then came up the other Spanish privateer, but upon giveing her two broadsides she made for the shoar and there set her afire. The sloop taken had 8 great guns and 85 men, 25 whereof were killed in the fight and 6 wounded. Capt. Landy had 14 guns and 75 men, 4 of whom were killed and 19 wounded. *St. Christophers.* Two private vessels, one a ship of 34 guns, the other a sloop of 6 guns, haveing on board them both 130 men cut out of Basseterre road a loaded ship and burnt another that had begun to take in sugar, that cut out they kept two days and then gave her to the Capt. without doeing much damage: these pirates have been at Newfoundland and had burnt, sunk and taken above 20 sail etc. *Same endorsement.* 1 p. [C.O. 37, 10. Nos. 25, 25. i., ii.]

- Oct. 31. **278.** Mr. Frere to the Council of Trade and Plantations.
 Barbados. Encloses Minutes of Council, 30th June—Oct. 25th, and of General Assembly, 30th June—Oct. 18th, and Naval Office, 25th June—25th Sept. I shall send duplicates etc. *Signed,* Jno. Frere. *Endorsed,* Reed. 23rd Dec., 1720, Read 18th May, 1721. 1 p. *Enclosed,*
 278. i. List of papers enclosed, *as above.* *Same endorsement.* $\frac{1}{3}$ p. [C.O. 28, 17. ff. 91, 92v., 93, 94v.]

- Nov. 1. **279.** Mr. Delafaye to Col. Gledhill, Lt. Govr. of Placentia.
 Whitehall. Your letter of 3rd. July to Mr. Secretary Craggs being laid before the Lds. Justices, their Excys. commend your diligence in sending him an account of what occurs in your parts, and your observations and opinion of the state of the garrison under your command, and of the Colony and the Trade there; but they can by no means approve your backwardness to obey the orders of Col. Philips your superiour officer, as being a proceeding contrary to all manner of discipline, and of which they hope you will never again be guilty; but that if you have any objection to such orders you will in the first place represent it to him. v. No. 281, i. *Signed,* Ch. Delafaye. [C.O. 324, 34. p. 18.]

- Nov. 1. **280.** Memorial of Rev. W. Gordon to the Council of Trade and Plantations. The order of the Lords Justices in Council of 5th Oct. last, wherein they declare the accusations of Robert Lowther, Governor of Barbados, against me altogether groundless, and that I have made good all the material allegations of my petition, will shew your Lordships how void of the least

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foundation that Act was for depriving *William Gordon, Clerc, commonly called Rector of the Parish of St. Michael of his benefice, etc.* : Wherefore I humbly hope your Lordships will not think a law for disseising me of my freehold and living past behind my back fit for H.M. Royal approbation. *Offers reasons against Act for the better regulating the power of vestrys in the giving away parochial mony to Clergymen officiating as rectors and curates.* (i) This Act is purely calculated to injure me alone in case the former should miscarry. There is no parish in Barbados that ever did or does give above £70 over and above the £150 settled by law, but mine ; nor any Minister that keeps a Curate. I allow my Curate £200 per annum ; and I give £60 for a house ; so that if this law were to be in force, there would not be one shilling left to myself. (ii) The allowance of £50 to a curate in that country mony is not more than sufficient to procure his diet in the meanest and poorest family there, without lodging which is also very dear. (iii) Because I and my curates do the office of Lecturer as well as Rector. (iv) The pretended reason is altogether groundless, for at the time of the last election of Vestry men which gave occasion to this law, I was in England, and consequently could not be any busy intermeddler etc. *Signed, W. Gordon. Endorsed, Reed. Read 2nd Nov., 1720. 1 p. [C.O. 28, 15. No. 98.]*

Nov. 1. **281.** Mr. Delafaye to the Council of Trade and Plantations. Whitehall. *Encloses following.* The Lords Justices direct that you report your opinion what orders are proper to be given therein. *Signed, Ch. Delafaye. Endorsed, Reed. 2nd, Read 3rd Nov., 1720. 1 p. Enclosed,*

281. i. Lt. Governor Gledhill to Mr. Secretary Craggs. Placentia, July 3, 1720. The 3rd of last month arrived here a sloop from Genl. Phillips with his commands to me to transport this garrison to An. Royal saving 40 men, and to disperse a quantity of Proclamations etc. I shipped what men the vessel could carry which I fear is fallen into the pirates' hands etc. Gives his reasons for not being so passive and swift in dispersing the Proclamations. There has not been any hint about them from the Secretary of State and they clash with the Preamble to the Act to encourage the fishery etc. *Insists on the value of the island. £370,000 was return'd last year from it to Great Britain. In hunting for provisions last winter for this Garrison, in one private bay, now called Craggs' Bay, 4 familys killed such a number of seals as has produced 370 tunns of oyle, etc.* If what these proclamations suggests that H.M. intentions are to destroy or remove the fishery, the pyrates are doing it effectually. There are many ships drove in here by the pyrates who infest

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our coast etc. Refers to his scheme for making roads etc. v. 1st Oct. 1719. Continues:—These pyrates have now destroyed near 150 boats and 26 ships at Trepassy and St. Maryes, wch. if a communication had been cut o're land, had not been above two days march to have rescued those harbours where the pyrates have been repairing their ships for 14 days past. Asks for particular instructions on these points etc. Signed, S. Gledhill. Copy. 3½ pp. [C.O. 194, 6. Nos. 83, 83.i.]

[Nov. 1.] **282.** Petition of William Schef (Schäff) to the Council of Trade and Plantations. There are 160 families of Palatines settled in Schorie, New York, where they have built houses and mills, improved the ground, and cleared a way to Albany, 24 miles. There are 500 German families (3000 souls) dwelling in dispersed habitations in New York. Prays for H.M. grant of the said valley of Schorie to the former, and, to the latter, of land about it formerly in the possession of Godfrey Dellius, or in Mackworth land. Prays that the petition of John Conrad Weiser, for a tract of land called Chetterry, may be dismissed, as being utterly contrary to their instructions and the inclinations of their people, who earnestly desire to live a quiet and peaceable life, and are utterly averse to another transportation by water, remembering the loss of most of their young children, at their going from hence to America. If they must be removed, prays that they may be compensated first. The grant of the valley of Schorie to some gentlemen of Albany, being made some time after they had seated themselves therein, at first to one, and then to two other persons, was against the Plantation Laws. Prays for a copy of Col. Hunter's Memorial, etc. Set out, N.Y. Col. Docs. V. 574. Signed, Johan Wilm. Schef. Endorsed, Reed. Read 1st Nov. 1720. 2 pp. [C.O. 5, 1052. ff. 79, 79v., 80v.]

Nov. 3. **283.** Mr. Boone and Col. Barnwell to the Council of Trade and Plantations. Enclose following. Pray that Col. Nicholson may have instructions relating to the affair of the Spaniards at St. Augustine etc. Represent how injurious it is to the trade and safety of H.M. subjects trading to Carolina, that any of H.M. subjects should furnish the Spaniards there with arms, whereby they may be better enabled to fit out their privateers etc. The behaviour of Capt. Hildersley, H.M.S. *Flamborough* (v. encl. No. i) in concert with Col. Rhett (v. encl. No. i), is very surprizeing. Propose, that such Custom House Officers be placed att the several ports in the Plantations, who are noe ways either directly or indirectly concerned in forraign trade or are owners of ships or other trading vessels. Signed, Joseph Boone, Jno. Barnwell. Endorsed, Reed. 3rd., Read 4th Nov., 1720. 1 p. Enclosed,

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- 283. i.** William Dry to Coll. Barnwell. Carolina, 19th Aug. 1720. Some short time after yo. imbarke, a body of Indians with some Spaniards from St. Augustine made a desen^t on St. Helena killed one man, and took Inns ye tanner wth. severall slaves prisoners amongst whom yo. had three or four (v. June 24). Inns wth. about 50 other white prisners are return'd in a flagg of truce sent there by this Governmt. for yt. purpose. We must never expect to live peaceably here whilst ye Spaniards are in possession of St. Augustine, it is equall to them whether it is peace or warr, that place^s is become a nest of pirates and privateers, they have lately taken between us and New York 50 or 60 sail, and are now fitting out several cruisers who disregarding ye cessation make prizes of all yt. come in their way, some have gone from hence to demand their vessells taken since ye cessation, but to no purpose so yt. we are in a much worse condition than if wee had actual warr. We have had two or three horse drivers deserted from us to ye French, who left some of the Creek traders, and the French who serve us but in kind, protect them, dreadfull will be ye consequence of those back settlemts. to this province upon a warr wth. France in case ye King does not take care of us. It was Rhett sloop manned with 50 of Hildersley's men and victualled by ye Country who alsoe gave Rhett £100 for ye run of his sloop to carry there abt. ye like number of Spanish prisners as she brought back English. It was ye prospect of makeing a voyage yt. they had in view, when the thing was first proposed, and indeed what they did carry they sold mostly very well, particularly two chests of arms, gt. gunns, swords, pistolls etc., and four great gunns, this thing has made a mighty clamour abt. but Rhett throws it all on Hildersly, and pleads yt. it was both contrary to his orders and knowledge yt. such things were carryed and to justify his innocence produces a copy of a letter he writt Hildersly, for yt. as soon as his sloop returned he hawlded her aboard his ship, and there discharged without ever making any report to ye Custom house officers (by whch. means she is forfeited to ye King). *Signed,* Wm. Dry, one of the Commissioners appointed to correspond with the Agents in Great Britain. *Copy.* 1 p. [C.O. 5, 358. ff. 52, 53v., 54, 54v.]

- Nov. 3. **284.** Council of Trade and Plantations to the Lords Justices, Whitehall. *Enclose* extracts of letter from Governor Sir N. Lawes, 24th Aug., complaining of depredations by the Spaniards, and offer-

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ing reasons for insisting on the right of H.M. subjects to cut logwood in the Bay of Campeachy, etc., "which being of great importance we thought it our duty to take the first opportunity of laying before your Excellencies," etc. [C.O. 138, 16. pp. 270, 271.]

Nov. 3. **285.** Mr. Secretary Craggs to Mr. Cox, President of the Whitehall. Council in Barbados. Mr. Whitworth Secretary of Barbadoes being apprehensive that his Deputy may have render'd himself disagreeable by executing some commands of Mr. Lowther in the capacity of Secretary to him: and it being Mr. Whitworth's desire that his Deputy as such, should not interfere in any disputes wherein Mr. Lowther is concern'd, I therefore at Mr. Whitworth's request, desire that you will allow his Deputy to act in that employment and countenance him in the due execution of his office. *Signed,* J. Craggs. [C.O. 324, 34. p. 19.]

Nov. 10. **286.** Mr. Popple to Charles Stanhope, Secretary to the Whitehall. Lords of the Treasury. Encloses extract from letter of Governor Sir N. Lawes, 31st March, desiring directions concerning H.M. proportion of seizures. Refers to letter of 8th July, 1719. The Council of Trade and Plantations desire you will let them know what directions are proper to send him. [C.O. 138, 16. pp. 271, 272.]

Nov. 11. **287.** Governor Hamilton to the Council of Trade and Antigua. Plantations. *Acknowledges* letter of 1st July concerning Mr. Duport's complaint etc. *Continues:*—I am persuaded that I have never given occasion to your Lordships to suspect that I have acted in the affairs of Judicature with a byassed mind, and I hope when your Lordships shall be rightly informed of the truth of this case you will show to Mr. Duport your displeasure for casting an imputation so foul upon me etc. The defendant after the bill was filed appeared upon the service of the subpœna, but not answering the pltf. moved for an attachment and obtained it. Mr. Duport the pltf. nephew afterwards came to me at my house when I was at Nevis and would have had me sealed a commission of rebellion. I told him that I was going to St. Christophers, and in a few days would set in Chancery there, and bid him give notice to the other side, and move for it by Councel for that the defendant had moved me to refer the bill for scandal and impertinence, and to discharge the attachment. No rule to answer was given nor entered with the Register, wherefore I ordered them to move it again when I came down to St. Christophers, where when I arrived the same Mr. Duport came to me, and desired

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that I would seal the writt upon his application, he having no Councel to move it, alledging that his Councel was then at Nevis which I thought pretty odd, however acquainted him that I had upon the defendts. motion referred the bill. My Lords the defendants Councel convinced me, that I ought not to deny their motion nor to issue the writt the Plaintiff required. Not to issue the writt. First because no attachment had issued with proclamation before which a commission with rebellion could not go, and next because it appeared the attachment had been executed and bail given so they ought to have prosecuted the bail bond, and no further process out of this Court. And as to the defendants motion as the attachment appeared to have issued irregularly I thought it ought to be discharged, and that to refer the bill and stay all process till the report, was a matter of course. The steps that had been taken in this cause was what I did not retain when I received your Lordships letter, and therefore that the plaintiff might not be delayed in any process he was intituled unto I immediately sent down such a writt (as he complained to your Lordships I had denied) to Lt. General Mathew, and ordered him to examine how the delay had happened, and if he found it ought to be so, to deliver the writt to the Provost Marshall to execute. Mr. Mathew did examine the matter accordingly in Council and returned me a copy of their Minutes *etc.* And upon further enquiry into the matter *etc.* I find it to stand exactly as I have related. My Lords how the parties came to sleep so long upon the order or the report to be so long delayed I know not nor answer, for I find no motion has been made to the Court in it since April last, but they have stirred in it since your Lordships' letter, and the Master has reported the bill to be scandalous, and there the cause now rests. I have my Lords to the best of my judgement acted conformably to the rules of the Court of Chancery established here in the orders I have made in this cause, and I assure your Lordships that I have not as Mr. Duport would insinuate any consideration to the parties concerned in any cause depending before me, nor to anything but the rule of Justice, which I am bound by an oath, and all the tyes of conscience to observe, and for a further satisfaction to your Lordships of my conduct in the Courts of Chancery, I send your Lordships a certificate from all the Practitioners in this Island. As to the representation of Mr. Duport about his expense in procuring the stores of war, I have represented that matter to the Lt. General and Council, of St. Christophers, and believe they have satisfyed him *etc.* *Signed,* W. Hamilton. *Endorsed,* Reed. 12th, Read 27th June, 1721. 3 pp. *Enclosed,*

287. i. Certificate by the Practitioners at the Bar of the Court of Chancery at St. Xtophers. H.E. administration as Chancellor has been always speedy and impartial *etc.* 15th Dec. 1720. *Signed,* Ashton

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Warner, Tho. Freeman, Mich. Arnald, Wm. Hinde,
 William Yeamans, H. Pember. *Same endorsement.*
 1 p.

287. ii. Minutes of Council of St. Christophers, 25th Oct.,
 4th Nov. 1720. *Referred to in letter above. Same
 endorsement. Copy. 7½ pp. [C.O. 152, 13. ff. 224–
 226, 226(a)v.–230v.]*

Nov. 13. **288.** Governor Sir N. Lawes to the Council of Trade and
 Jamaica. Plantations. *Refers to enclosures*, from which it will plainly
 appear that I have done everything in my power to perswade
the Assembly to do that which is so essentially necessary for their
 own good, the supporting the honour and dignity of the Govern-
 ment and paying due obedience to H.M. just commands, but
 it is really with concern my Lords that I find my unwearyed
 endeavours for their interest and security has hitherto in great
 measure proved ineffectual. Sometime ago I recd. H.M.
 commands for the payment of the Lord A. Hamilton *etc.*,
 whereupon I did with the advice of the Council issue an order
 in form as the Law directs on the Receiver Generall for the
 payment thereof, but the Revenue being considerably in debt
 and the income thereof being farr short of the annual charge
 of the Government it has not hitherto been able to discharge
 that debt. I did therefore with great earnestness recommend
 to the Assembly (*v. Speech enclosed*) their reimbursing the
 Treasury that I might be able to comply with H.M. just com-
 mands therein, but notwithstanding all the persuasions and
 arguments I have used they continue still obstinate in their
 resolutions on this head (*copy enclosed*). I am realy at a loss
 what further to say on this subject for should they continue
 in the temper they seem to be in at present I am apprehensive
 it may be a work of time before they enable the Treasury to
 discharge that debt, and your Lordships cannot be unsensible
 that unless the Assembly reimburse the Treasury it is not in
 my power to do more than I have allready done for his Lord-
 ship's service in obedience to H.M. commands. Since my last
 letter the Assembly have only passed two Bills which I have
 given my consent to vizt. the Additionall duty Bill which differs
 little from the former excepting they lay a duty of 10s. a head
 on all negroes imported and 20s. a head on all negroes exported
 by way of merchandize. Those that only touch here for refresh-
 ment are exempted from duty pursuant to H.M. Instructions
 in favour of the South Sea Company, and a tax of £1000 is laid
 upon the Jews. The mony ariseing by virtue of this Law they
 have by another Bill appropriated for the fitting out two sloops
 or other vessels for guarding the coasts from pirates and other
 vessels from Trinidad who frequently commit degradations
 and acts of hostility both by sea and land upon us. The
 Assembly had several other bills on foot but I found many of the

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members absented themselves from the services of the House out of pretence of looking after their own private concerns and that others were for obstructing the publick service and that it was often difficult to get a sufficient number together to make a House, I thought it therefore proper with the advice of the Council to give them a recess by adjourning them to the 19th Jan. next, they haveing first resolved to subsist H.M. soldiers for 12 months longer, and have passed a vote of credit on the Receiver Generall to subsist them till they can be provided for by a Deficiency Law which they have resolved to pass at their next meeting. The revenue being farr short of the annuall charge of the Government and the Assembly being so backward in granting supplys puts the Governmt. here under innumerable difficulties, and I realy cannot flatter myself any longer that they will settle such a revenue as is requisite for the honour and support of the Government, or that they will sufficiently reimburse the Treasury to discharge all the demands that are upon it ; and I am at a loss what method to propose to your Lordships for remedy thereof. I am unwilling to propose anything which may look harsh in takeing away any point of freedom from the inhabitants and on the other hand it is absolutely necessary that H.M. Government here shou'd be supported, and I'm afraid unless the Assembly meet in a better temper that cannot effectually be done. I fancy it woud alarm them and incite them more to their duty if a bill were ordered to be brought in the House of Commons (tho' never passed) to settle a revenue adequat to the charge of the Government, if your Lordships shou'd approve of any such thing, I woud propose doubling the quit rents and adding the Additional Duty bill to the Revenue Act and pass them for such a number of years as shall be thought proper which together would raise a considerable sum of mony with ease to the inhabitants and render the Government in a great measure independant on the Assembly for support ; such a step as this perhaps might awaken them and be a means of bringing them back to their duty etc. I have not hitherto recd. any manner of commands concerning the cessation of arms tho' on our parts 'tis most punctually observed, I wish I cou'd say the like of the Spaniards they continue dayly to molest our coast and the pirates are swarming round us in great numbers. About a fortnight ago a trading sloop belonging to the Island being well manned and commanded by a brisk fellow one Jonathan Barnet did us a very good peice of service he was met by a pirate vessel at the Leward part of this Island commanded by one Rackum in which were 18 pirates more whom he took and are now in goal, this week I intent to have them tryed by a Commission which was sent me some time agoe grounded on the Statute of the 11th and 12th of King William which by an Act of Parliament passed the last Sessions I find is made perpetuall. The Indian King has been

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very punctuall in sending hither the number of Indians I agreed with him for to scour our woods from the rebellious negroes, they are allready fitted with everything necessary and are gone into the woods in pursuit of them, and I hope they will answer our expectations in the service we propose from them. I have not hitherto had any acot. from the Virgin Islands in relation to the proposalls I sent to the inhabitants there which makes me begin to doubt that they will not accept of the offers I made them. I shall by the next opportunity transmit the Acts and Minutes *etc.* *Signed*, Nicholas Lawes. *Endorsed*, Reed. Jan. 17th, Read March 21st, 1721. 5 pp. *Enclosed*,

288. i. Speech of Governor Sir N. Lawes to the Council and Assembly of Jamaica, Oct. 4, 1720. *Same endorsement*. *Printed*. 2 pp.
 288. ii. Speech of Governor Sir N. Lawes to the Assembly of Jamaica. Oct. 25, 1720. *Printed*. 1 p.
 288. iii. Copy of Resolution of the Assembly of Jamaica, Oct. 6th, 1720. They cannot in justice to the country and themselves reimburse the Treasury for the pretended debt to Lord Hamilton and the Council, in case the Receiver General pay the same it being no contingency of the Government within the intent and meaning of the Revenue Act. *Same endorsement*. $\frac{1}{2}$ p. [C.O. 137, 13. Nos. 45, 45. i-iii.]

Nov. 15. 289. Order of King in Council. A warrant to be prepared St. James's. for a Commission for trying pirates in S. Carolina as proposed by the Council of Trade. The expenses of passing said Commission to be allowed by the Treasury *etc.* *Signed*, Edward Southwell. *Endorsed*, Recd., Read 11th Jan., 172⁰. 1 $\frac{1}{4}$ pp. [C.O. 5, 358. ff. 73, 73v., 74v.]

Nov. 15. 290. Order of King in Council. Repealing Act of Barbados St. James's. for commuting the stores *etc.* *Signed*, Edward Southwell. *Endorsed*, Reed. Read 11th Jan., 172⁰. 2 pp. [C.O. 28, 17. ff. 1, 1v., 2v.]

Nov. 15. 291. Mr. Popple to Mr. West. *Encloses* 12 Acts of Barbados, Whitehall. passed in May, 1720, for his opinion thereon in point of law. *Asks for* reply to letter of 11th inst., relating to the Act of Henry VI which prohibits Officers of the Customs being traders *etc.* [C.O. 29, 14. pp. 84-87.]

Nov. 17. 292. Council of Trade and Plantations to Mr. Secretary Craggs. *Enclose* copies of memorial and letters relating to Whitehall. the behaviour of the Spaniards at St. Augustine and to Capt. Hildersly and Col. Rhett, "which you will please to lay before H.M., with our humble opinion, that H.M. Minister at Madrid shou'd have directions, to make the most pressing instances

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at that Court, that immediate and effective orders be sent to the Spanish Governor at St. Augustine, to avoid such proceedings for the future. As to Capt. Hildersley and Colo. Rhett you will be pleas'd to observe, what is hinted by the Agents, relating to Custom House Officers, to which we take leave to add, that by the Statute of 20th of K. Henry VI Cap. 5th, which we presume is still in force, No Customer, Comptroller, Searcher, Surveyor of Searchers, or their Clerks, Deputies, Ministers, Factors or Servants shall have any ship of their own, use merchandize, keep a wharf, inn or tavern, or be a factor, attorney or host to a mercht. on pain of £40 etc. We have sent an extract to the Lords of the Admiralty of such part of this letter etc. as relates to Capt. Hildersley." *Autograph signatures.*
2 pp. Enclosed,

292. i. Extracts of letter from Col. Moore, Sept. 6th, 1720, and the Commissioners of Correspondence in Carolina.
1½ pp.
292. ii. Copy of letter from Joseph Boon and John Barnwell to the Council of Trade. (v. No. 283). *1¾ pp.*
292. iii. Extract of letter from William Dry, Carolina, to Col. Barnwell, No. 283. i. *2½ pp.* [C.O. 5, 382. Nos. 23, 23. i.-iii.; and (without enclosures), 5,400. pp. 137, 138.]

Nov. 17. 293. Mr. Popple to Mr. Burchett. *Encloses* extracts of Whitehall papers relating to Capt. Hildersley etc. v. preceding. [C.O. 5, 400. p. 139.]

Nov. 17. 294. Same to Mr. Carkesse. *Encloses* extract of memorial Whitehall relating to Col. Rhett trading with the Spaniards etc. v. preceding. Quotes Statute of 20th. Hen. VI. forbidding trading by Customs Officers etc. [C.O. 5, 400. pp. 139, 140.]

Nov. 21. 295. Mr. Secretary Craggs to the Council of Trade and Whitehall Plantations. Refers following for their report thereon. Signed, J. Craggs. Endorsed, Reed. 22d Nov., 1720, Read 28th Jan., 1721. *1 p. Enclosed,*

295. i. Address of the Council and Assembly of Nevis to the King. Charles Town, 11th July, 1720. *Implore* H.M. most royal, gracious, and powerful protection against the most unjust demands comprised in the Memorial presented to H.M. Ministers in 1717 by Monsieur D'Iberville. *Continue:*—We have presented to Governor Hamilton to be transmitted to the Council of Trade and Plantations a full answer to that Memorial etc. proved by depositions etc., whereby it will appear, that the Convention whereon the demands of the French are founded, was extorted from the inhabitants contrary to the Law of Nations,

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and was even broken by the French themselves as soon as signed by them. *Hope* that H.M. will secure them from those extravagant demands, as Queen Anne, by Mr. Secretary Hedges assured them that she had it in her thoughts to do *etc.* This once flourishing and populous Island was reduced to the great weakness of not being able to defend itself (having at the time of the French invasion not 400 men able to bear arms) occasioned by the frequent assistances both of men and mony, which it gave in the two late French wars to the other Islands, and in particular St. Christophers which was twice reconquered from the French by the help of the inhabitants of Nevis, who yet in the time of their distress never recd. the least assistance from any other Island *etc.* *Signed*, Richd. Abbot, James Bevon, Law. Brodbelt, Mich. Smith, Robt. Eleis, Jno. Richardson, Jno. Choppine, Na. Bridgwater, Jno. Pinney, Joseph Symonds, Speaker; John Dasent, William Pymshirt, Richd. Brodbelt, Pecoq Walker, Carew Brodbelt, Jeremiah Browne, Robt. Pemberton, George Webb, Jos. Hobson, Michael Williams. 3 pp. [C.O. 152, 13. ff. 44, 35-46, 47v.]

Nov. 21. 296. Mr. Secretary Craggs to the Governor of New York.

Whitehall. By the enclosed *etc.* you will see what is alledged against Capt. Crawcraft *etc.* It is H.M. pleasure, that, if the sd. allegations are found to be true, the sd. Crawcraft be prosecuted with the utmost rigour of the Law, so that not only the Petr. may have your utmost assistance in recovering his rights, but that the criminal be punished in such a mannner as his unparaleld injustice and cruelty deserve. *Countersigned*, J. Craggs. *Annexed*,

296. i. François Jean du Clos of St. Malo to M. de Chammarel.

¹⁹ Nov. 1720. Memorialist is freighter of the *Amitié* of Dunkirk, Bertrand Virmontois, master. The ship carried a cargo from the Canary Islands to Curaçao, and having discharged it took on board a cargo for Amsterdam partly on account of memorialist and partly of some Dutch merchants. On her voyage she was seized by a New York privateer, the *Three Brothers*, Capt. John Crauraft, to whom Memorialist and Virmontois showed their French Admiralty passeport and papers. He however seized the ship, and plundered her, having first transferred her crew on board his own vessel. He applied torture to several of them, to whom he presented certain papers filled with lies, demanding their signatures. When they refused to sign, he had them stripped and tied to the tiller in the shape of a cross, till they were ready to

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die. After they had spent the night in this wretched condition without consenting to do what he desired, he caused them to be suspended by the arms to the rigging of the ship, and himself and his crew cruelly scourged them till blood was drawn. All this time the Captain and Memorialist were confined like criminals. Having at last extracted some words from these poor wretches by dint of torture, he brought the ship to Bermuda, 27th Sept., intending to get her condemned there. But the above facts having been sworn to, the Court of Admiralty there, 27th Nov. 1719, ordered restitution of the ship and cargo to be made, Memorialist being obliged to pay costs. The Court of Admiralty not being able to take cognizance of damages, Memorialist was advised to proceed against Craucraft in the Chancery Court. But as soon as Craucraft heard of it, without the knowledge and contrary to the orders of the Governor, he slipped away in the night, having found with the aid of some fishermen a passage hitherto believed to be impracticable. He has returned to New York, where he has given good security for his conduct, thus forfeited. *Prays* that instructions may be given to the Governor of New York to assist him to recover damages etc. *Signed*, Du Clos, Jean. [C.O. 324, 34. pp. 19-22.]

Nov. 23. **297.** J. Boone and Col. Barnwell to the Council of Trade and Plantations. In reply to summons to attend the Board in relation to the bounds of North Carolina, *state* what they know of that matter. *Signed*, Joseph Boone, Jno. Barnwell. *Set out*, N.C. Col. Rec II. 394. *Endorsed*, Reed. 23rd, Read 24th Nov., 1720. 2 closely written pp. [C.O. 5, 358. ff. 57, 57v., 58v.]

Nov. 24. **298.** Governor Philips to the Council of Trade and Plantations. *Refers to letter of Sept. 26th and encloses duplicates, etc.* *Continues* :—I have sent a company to Cansoe, to remaine there all winter, for the security of the stages and other conveniencys, till the returne of the fishermen in the spring, according to their petition inclosed. *Encloses* some late letters from the Indians, which shew the natural inclination of those people, to live in peace and friendship, with H.M. subjects, if the priests would let them. The duplicates and copys of what was sent, containe the true state and condition of this Government and country, with methods proposed for establishing the Kings authority therein, and bringing it under obedience to the Crowne of Great Brittain (which at present it is farr from being) which will be both an incouragement and help towards its settlement. So that there remains little to be said farther than

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that I see every day, more than other, the necessity for takeing such measures, as may convince the inhabitants, that this is an English Province, till which time they neither will swear allegiance or quitt their footing. The plan of the forts projected with the estimate of the charge of each, are transmitted by the Engineer to the Board of Ordnance; by which it will appeare that the whole projection of fortifications for the security of this country, will not exceed £3000, excepting what may be allowed for the seat of Government, when the scituation thereof shall be agreed on. I now most humbly take leave for this winter, hopeing your Lordshipps will be so good to overlook the infirmitys which are to be found in my letters, *etc.*, and that I may be furnished in the spring with such Instructions, and supplys as shall be thought necessary (from the representations that have been made) to retrieve the affaires of this country. *Signed*, R. Philipps. *Endorsed*, Recd. 2nd, Read 14th Feb., 17 $\frac{2}{3}$. 4 pp. *Enclosed*,

298. i. Indian Chiefs of Passamaquadde to Governor Philipps.

Return thanks for his letter, read to them by Mr. Gourdeaux, and H.M. promise of favour and protection; and his instructions to his Governors to show them all civility and kindness so long as they behave peacefully. "We desire to do so, for so long as our great King Louis of France shall be at peace, we shall be so too, being assured of his favour and protection. We can only obey his commands, he being our ally and having always protected us. You do us the honour of inviting us to visit you in the spring, which we hope to do *etc.* We have kept the peace and had no share in what the Micquemac did at Canso and Les Mines. We knew nothing of it till it was done and do not approve of it." *Pray* that M. Gourdeaux may be sent in the Spring to Passamaquadde with a conveyance for them to go and see the Governor *etc.* Passamaquadde, 23rd Nov. (N.S.), 1720. *Signed*, Pierbec Roy, Jouagate, Spuganti, nephew of Jouagate. *Totem marks. French. Copy. 2 pp.*

298. ii. François de Salle to Governor Philipps. On behalf of the Indians of St. Johns River. The trouble caused at Cansoe and Les Mines by the Micmac Indians, has prevented us from hunting, thinking that war was declared by them. We are your friends, and hope you are ours. If any trouble occurs elsewhere, we pray you not to impute it to us, as we always desire union and peace. *Reminds him* of his promised present *etc.* St. John's River, Nov. 10th (N.S.), 1720. *Signed*, Francois De Salle, his mark. *French. Copy. Endorsed, Recd. 2nd, Read 14th Feb. 17 $\frac{2}{3}$. 1 $\frac{3}{4}$ pp.*

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298. iii. John Calley to Governor Philipps. Cansoe, Oct. 1st, 1720. *Returns thanks* for sending "so good a gentleman as Major Lawnce Armstrong to espouse our grievances and settle affaires among us, which he has done to and for the good of his crowne and country, the honr. of this Goverment and to the intire satisfaction of all the present inhabitants of Canso. And for proof of our hearty desire for the good and settlement of this place notwithstanding our great losses and misfortunes have voluntarily and freely combined ourselves to a subscription for conveniences as much as we are able to shelter this winter 70 or 80 men for the preservation of this H.M. Plantation and the security of H.M. subjects which we hope yr. Excelley. will dispatch with all convenient speed possible, it being so fine a place for fishery, that it cannot be parrelized no not in all America," etc. Asks for instructions, and proposes to return from New England in the spring with a considerable number of vessels if the place be settled this winter etc. *Signed*, John Calley. *Same endorsement*. Copy. 3 pp.
298. iv. Receipt for five French prisoners, brought to Governor Philipps from Canso, to be returned thither and set at liberty. *Signed*, Richard Piek. Nov. 21st, 1720. *Same endorsement*. Copy. 1 p.
298. v. Commanders of ships, inhabitants and people interested in the Fishery at Cansoe to Governor Philipps. *Pray H. E. to represent the case of their being plundered by the French and Indians home to Great Brittan.* "Notwithstanding these misfortunes we are still endeavouring to defend H.M. land, and are building a lodgment for military men, which will be finished by 1st Nov., which shall be a tight and warm lodging and defensable enough for this winter. We humbly hope by the return of these vessels that military forces will come. But if unfortunately they do not, we shall be forced to leave this place to be destroyed which it certainly will be this winter if troops come not, and then must bid this place farewell." *Signed*, John Calley and 32 others. Copy. 2 pp.
298. vi. Account of fish, tackle and goods belonging to H.M. subjects plundered and destroyed at Canso, 7th-14th Aug. by Filibert de Arquibel, Massy, Harrembourg, La Boue, and many other French subjects assisted by Indians etc. 28 owners. *Total losses, £9086 14s.* *Endorsed as letter*. Copy. 1 $\frac{3}{4}$ pp. [C.O. 217, 3. Nos. 19, 19. i.-vi.; and (without enclosures), 218, 1. pp. 512-514; and (abstract of letter), 217, 30. p. 13.]

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Nov. 26. **299.** H.M. Additional Instructions to Governor Nicholson.
St. James's. Relating to the passing of money bills. *Same as 27th Sept., q. v.* *Signed, G. R. [C.O. 324, 34. pp. 23, 24.]*

Nov. 26. **300.** H.M. Warrant for a Commission to Governor Nicholson
St. James's. etc. for trying pirates in South Carolina. *Countersigned, J. Craggs. Copy. [C.O. 324, 34. pp. 24-26.]*

Nov. 26. **301.** H.M. Commission for trying pirates to Governor
Nicholson, the Council and other officers of South Carolina.
Copy. 1½ pp. [C.O. 5, 387. No. 15.]

Nov. 26. **302.** Governor and Council of the Bahama Islands to Mr.
N. Secretary Craggs. Governor Rogers having no letter from
Providence. you dated since July 1719, and none from the Board of Trade
since his arrival, gives him and us great uneasiness lest this
poor Colony should be no more accounted as part of his Britan-
nick Majesty's Dominions: Indeed we have yarious accounts
from other Colonys that there is an intended care for us in
England, but if another war should suddenly happen between
Great Brittain and Spain, we should be the first people the
numerous Spaniards from Cuba and other parts would attempt
to dislodge, then all the good designs at home would come too
late; And it may be presum'd if the Spaniard should overcome
us, no sett of people under the Brittish Government after so
many discouragements would adventure to resettle these
Islands, if they are not preserv'd now when they may be done
with so little charge. The Governour[']s bills being yet refus'd
everywhere, he has been oblig'd to sacrifice his utmost fortune
and credit to maintain the garrison, and knows not when, and
how this difficulty will end; for Captain Beauchamp who sayld
in July last from England bound hither with recruits is not yet
arriv'd, which makes us doubt his safety, and the trouble
which our hardships has given Governour Rogers, has occasioned
in him a great decay of health, which has induc'd him to go for
So. Carolina wth hopes to recover himself, and in his absence
has appointed Mr. Fairfax Depty. Governour, with whom is left
all H.M. powers and Instructions etc. As the Governor
designs to write you himself from So. Carolina to enclose this,
we shall only add our humblest supplications for your con-
tinued care of us, and if it is our hard fortune that sufficient
suecour should not be departed from England before this
reaches your hands, that you'l be pleased to use your interest
for our preservation by dispaching what force shall be appointed
for us without farther loss of time etc. *Signed, Woodes Rogers,*
W. Fairfax, Richard Thomson, Na.ell. Taylor, Andrew Rowan,
William Spatchey, Tho. Barnet, Saml. Watkins, Peter Current.
2 pp. Enclosed,

302. i. Minutes of Council of Bahama Islands 8th Feb.-
Nov. 21st, 1720. 46 pp. [C.O. 23, 13. ff. 55-80.]

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303. Governor Burnet to the Council of Trade and Plantations. *Abstract.* The session of Assembly, ended 19th inst., has fully answered his expectations, and provided as completely for the support of government as ever was done in Brigadier Hunter's time. This was owing first to the good impressions Governor Hunter made on them, and next to their desire to be continued *etc.* *Explains* his reasons for not summoning a new Assembly (*cf.* Sept. 24), which could not have met till the spring and there would have been no money to defray the charges of government. The deficiencies are now provided for, and the revenue continued for five years longer, till July, 1726. This is the main act passed this Session and is exactly in the form of that passed by Hunter. "The next in importance is to enable me to repair the fortifications and build new ones, and for other incident charges of government. This they could not be brought to find any expedient for, but laying a duty of 2 per cent. on European goods imported" *etc.* It has a suspensory clause, till confirmed by H.M. The former act laying the same duty for the same purpose has expired. It is hoped that the urgency of the service provided for will be thought sufficient reason to confirm this act without delay that he may receive it back next spring and set to work to renew the fortifications which are quite decayed at Albany, Schenectady and Fort Hunter, which are only wooden forts, whereas the French have several stone forts in their country in very good repair. He intends to build a new fort at Niagara and a small one at Onondaga. A third act is to prohibit all trading with the French for Indian goods, which the French sell again to the Indians and thereby have the supplying all the far Indians with our goods, who would otherwise come to us for them, and hence our own Indians justly say, the French build forts with our goods. This trade was so much practised by the leading men here, that the Assembly could never be brought to prohibit it till now, but finding the use the French made of our easiness to them, they have made a severe law against it *etc.* The French will now have to get such goods as strowds, derfles *etc.* from Boston or Europe at a great disadvantage in the price and with the risque of going up the river of Canada to Quebec, which is above 100 leagues further from our Indians than Montreal *etc.*, and Montreal will sink to nothing which now flourishes by its trade with Albany *etc.* Will send these and several other acts of this session. From these two last acts he expects no less than restoring our influence over the Five Nations and drawing new nations of Indians through their means to trade with and depend on us. "For this reason I will do my endeavour in the spring without committing any hostility to get our Indians to demolish a trading house or block house that is made musket proof with port holes for firing with small arm, which the french have set up near the fall of

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Niagara in the Sennekees country. This is in open defiance of the King's right, the Sennekees having granted that land to the Crown of Great Britain before the French had ever been there. This place is of great consequence for two reasons. First because it keeps the communication between Canada and Micesipi by the River Ohio open which else our Indians would be able to intercept at pleasure, and secondly, if it should be made a fort with souldiers enough in it, it will keep our Indians from going over the narrow part of the lake Ontario by this only pass for the Indians, without leave of the french. So that if it were demolished, the far Indians would depend on us by means of the goods which they want of us, and which the french cannot afford to supply them with, unless they get them from this province. I value this act the more for breaking the neck of this trade now, because I observe in the last mapp published at Paris with *privilege du Roy par Mr. de Lisle in 1718* of Louisiana and part of Canada, that they are making new encroachments on the King['s] territories, from what they pretended to in a former map, published by the same author in 1703 of North America, particularly all Carolina is in this new map taken into the french country, and in words there said to belong to them, and about 50 leagues all along the edge of Pensilvania and this province taken into Canada more than ever was in their former map, whereas really the nation called Sonnontonors in that map and marked near the fall of Niagara, is no other than the Sinnekees, one of our five nations *etc.*, and the other nations there named the Goyogouen, Onontaue, Oneit and Amniez, are the Cayouges, Onondages, Oneides and Mohocks, who are the other four nations, who have long since submitted to the King's Government" *etc.* Calls attention to the dispatch and unanimity with which matters of such importance have been carried in one month. Every member of the House concurred in the address to him and in every part of the public business, except one, absent from infirmity, and another whom they expelled for affronting the House. This has been the effect of adhering firmly to Brigadier Hunter's friends, and not giving way to a party that has gathered strength by his absence, and may be quite silenced by what he now proposes. "The Assembly being hearty and zealous, my whole difficulty lay with the Council, and there I found the President, and six more firmly combined together to have a new assembly, which design having been frustrated by Mr. Secretary Craggs letter before my arrival, they thought now there was a necessity for its taking place, and then they were secure of a majority depending on themselves. This made them own to me in a free conversation, not at the board, that tho' I had shewn them the arguments and precedents, which I have sent to your Lordships and hope you have received, yet they could not consent to act with this assembly. I told them at that meeting,

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after I had heard all their sentiments except one who was absent, that they would do well to consider whether scruples in which they did not pretend to be certain justified their stopping the ordinary maintenance of the officers of the Government who could not otherwise expect a shilling, for nine months to come, their neglecting an immediate remedy to the disaffection of the Indians occasioned by the practises of the French, and their preventing a provision for repairing the fortifications which unless now made, the work could not be done next year. So that by their means we should be two years in a defensless state. This could be prevented by concurring with the present assembly, and could not be done any other way, they knowing that the season would not permit calling a new assembly, which if it had I saw no reason to part with so faithfull and loyall an assembly as this had been ever since the Kings accession on which they were chosen. I further told them they knew what unwarrantable proceedings I could charge some of them with in defiance of H.M. instructions, and that they might depend on it, the Kings business should not suffer through neglect of any powers lodged with me to that end. This had the effect to make the President and four more desire leave to go into the country, which I granted them and which they asked that they might reserve themselves, to oppose me on other occasions. I have therefore brought matters to bear without any violent measures, but must earnestly recommend to your Lordships for the quiet of the province and the effectual discouragement of such attempts in another interval of like kind to dismiss two persons from H.M. Council viz: Peter Schuyler and Adolphus Philips *etc.*; first because Schuyler being eldest Councillour and President, did immediately after Brigadier Hunter's departure make several alterations in the officers of the government and threaten a dissolution of the assembly, for which he was reproved and forbid to proceed by a letter from Mr. Secretary Craggs, and all this he did by the advice of Adolphus Philips who is known to govern him, and with whom it is here notorious that he trusted the keeping of the great seal during the time of his administration. 2ndly, Because Schuyler with the advice of Philips did grant away several tracts of land contrary to the King's instructions No. 101 by affixing the great seal to patents before the land had been set out by at least three of four officers named in H.M. instructions *etc.*, whereas he granted land under the great seal, without any person having signed the certificate of setting it out but himself, and then affixed this certificate to the patent in one label, by which means the Great Seal was affixed to a blank, it being mentioned in the certificate that the four before-mentioned officers have certified the setting out of the said land, and there being but one subscriber to it, and one of these

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patents is now in my possession. 3dly. Because the said President Peter Schuyler did with the assistance and concurrence of the said Philips, after having received the Secretary's letter, continue to alienate the minds of the people from Brigadier Hunters administration and discountenance his friends in a publick manner, and it is well known here that the enemy's to King George, have been the Brigadeers greatest enimys. 4thly. Because if I should dye or be removed, the province would again come under the same administration, and be in the utmost confusion. The President being a weak ignorant man but easily prompted to do wrong things by Philips, who has been always an indefatigable enemy to Brigadier Hunter, and has capacity sufficient to bring about his purposes which have always tended to sour the minds of the people against a support of Government." *Proposes* in their stead Cadwallader Colden, and James Alexander, the first of which H.M. has lately appointed Surveyor General, and the latter a gentleman of good estate in the province, and who has served two years as deputy Secretary with great approbation from Brigadier Hunter. *Continues* :—Tho by the 12th Instruction I could have suspended these Councillours, yet I am glad that I have time to have it done directly from home, for I shall always be tender of using power farther than is absolutely necessary. This alteration will secure a number of well affected persons and who are always at hand to attend in Council. Of those that have opposed me, one is come over to me, and the other are less stirring and conspicuous so that I would not desire a further alteration than is just necessary to keep matters easy on the happy foot they now stand, for as this assembly is now gone in the best temper ever an Assembly were known in, I hope to meet them in the same in the spring, and if the country finds I am encouraged and supported from home, they will loose all thoughts of a new election, all our heats will be quite buried. I have remitted the five per cent. on whale fishing during my time, but require licences during pleasure to be taken, which is asserting the Kings right tho' I neglect my own profit, for the encouragement of that trade, and this has had a very good effect in the country etc. I cannot forbear laying before your Lordships a favourite project of my own which if approved, I have no great doubt of accomplishing. When I get the Kings presents to the Indians which I hope will be dispatched, I propose to go into the Indian country through the five nations, and give them these presents at their own homes, when I come among the Sinnekees, I will propose to them my design to build a fort at Niagera, and I leave a whole company of souldiers to guard it, and be a defence to the Indians against the french, and to make this succeed the better I intend to give land to the officers and souldiers and to the palatinates and all others that will settle there. By this means in a year or two the country which

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is very fruitfull will maintain it self and be the finest settlement in the province because it is seated in the pass where all the Indians in our dependance go over to hunt and trade with the far Indians, it will likewise make it practicable to have another settlement above the fall of Niagera where vessels may be built to trade into all the great lakes of North America with all the Indians bordering on them, with whom we may have an immense trade never yet attempted by us, and now carryed on by the french with goods bought from this province. The map will show the vast extent of this trade if once settled and the fort at Niagera will secure us from being interrupted by the french in it. What makes this project most feasable is that this land about Niagera was solemnly given to this province by the Natives, but as we have made no use of it, the french have often molested the Indians there and kept them in awe. It will also be necessary to have a small fort at Onondaga, which is half way between Albany and Niagera to secure the communication between them. There occurs no objection to me against carrying on this undertaking, but that it may disoblige the french, but I think that is answered when I consider how they are always attempting to draw away our Indians from us, and even to set their own Indians on destroying our plantations, as I suppose your Lordships have had a late account from Governour Philips of their contriving the disaster of Carso in Nova Scotia. This has no remedy but being as active as they in drawing Indians into our interest, which our ability to furnish them with European goods is alone sufficient to do, if we can but come at them, and prevent the french from interrupting us. Besides the greatest part of these Indians are either yet unknown or at least independent and too distant to be treated by them or us any other ways than upon the square by a fair trade for their furrs in exchange for our woollen goods." Urges for this purpose, confirmation of the Act for repairing and making fortifications, etc. Asks for a sign manual "for Philip Livingston Esq. to be Secretary of the Indian Affairs for the reasons assigned in the inclosed memorial, from Robert Livingston his father, who has enjoyed that office under King William and Queen Anne, by virtue of their sign manual, etc., and this I am the more earnest in, because Robert Livingston is Speaker of the Assembly, and has been always serviceable to Brigadier Hunter, and has now been of the greatest use to me, both in the assembly, and in laying open the true state of affairs with the Indians which others endeavoured to conceal from me, that they might continue the profit they make by this pernicious trade, so that this act prohibiting it is cheifly owing to the Speaker." Urges dispatch of presents to the Indians, stores to the forts and the instruction he desired, which will make any assembly tractable. P.S. Nov. 27. Since I finished my letter the Secretary brought me the Act to lay a duty of two pounds on

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every hundred pounds value prime cost of all European goods imported into this Colony etc. The duty there laid of 2 per cent. on European goods was the main support etc. Refers to Acts of 1691, 1692, 1693, 1699 and 1702, which continued the duty till 1709. Continues: I know of no reason why this Act has not been continued since, but that my Lord Clarendon made so ill a use of the publick money by misaplying it and squandering it away that the Assembly would not repose that trust and confidence longer in a governour, and indeed would not give any revenue for four years after Brigadier Hunter arrived, and then but a scanty one. Whereas now his prudent and just administration has brought the Assembly which he left into a better temper, etc. Hopes no objection will lie against it, it being an easy trifling duty on the importer and of the greatest service to the province. Set out, N.Y. Col. Docs. V. 576. Signed, W. Burnet. Endorsed, Recd. 16th, Read 18th Jan., 1720. Holograph. 15 pp. Enclosed,

303. i. Petition of Robert Livingston to Governor Burnet. New York, 17th Nov. 1720. Appointed Secretary of the Indian affairs and town clerk and clerk of the peace and common pleas in Albany in 1695, petitioner has only received two years salary since the death of King William. Prays that his son who has acted as his deputy to the general satisfaction for 14 years, may be granted H.M. commission for those employments with the allowance of £100 out of H.M. quit rents etc. Signed, Rt. Livingston. 1 p.
303. ii, iii. Patents of Robert Livingston *as in preceding*, 1696, 1705. Copy. 2 $\frac{1}{4}$ pp.
303. iv. Lords Commissioners of the Treasury to the King. Recommend R. Livingston for a salary of £100 *as above*. 2nd Jan. 1696. Copy. 1 p.
303. v. Order of King in Council. 16th Jan., 1696. Granting £100 salary to Mr. Livingston. Copy. 1 p. The whole endorsed, Recd. 16th, Read 18th Jan., 1720. [C.O. 5, 1052. ff. 129–137, 138–139; 140, 141, 142v.; and (extract from letter) 5, 1092. No. 16.]

Nov. 28. 304. Col. Hart to the Council of Trade and Plantations. Encloses following, lately received from Maryland. Signed, Jo. Hart. Endorsed, Recd. 28th, Read 29th Nov., 1720. 1 p. Enclosed,

304. i. Extract of letter from Mr. Dixon, Collector of Customs for the district of Potomack in Maryland, 28th Aug. 1720. The affidavits taken by ye Govr. of Providence concerning ye French's having made themselves masters of some of the silver mines near Mexico, and of their being so formidable in those parts by the accession of great numbers of the Indian Nations

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as to put the Spaniards upon their guard to defend that metropolis. 'Tis even said that they frequently pass and return to and from their settlements to the northward. If they do get a footing so near the fountain head of New Spain, 'twill turn to much better account than planting tobacco in the Mississippi Country ; but if any such thing is to be apprehended our Ministers at ye Congress 'tis to be hoped will forbid ye bands. $\frac{3}{4}$ p. [C.O. 323, 8. Nos. 16, 16. i.]

Nov. 29. **305.** Mr. Popple to Governor Burnet. *Encloses* copies of petitions of Palatines (20th and 28th July) and Brigadier Hunter's letter thereupon (26th July). *Continues :* The Council of Trade and Plantations desire you will acquaint them with ye true state of the several settlements of the Palatines in your government, and endeavour to settle those among them who behave themselves with dutiful submission to H.M. authority, and are destitute of means of subsistance, upon such convenient lands as are not already disposed of. *Encloses* copies of Governor Spotswood's letter to Col. Schuyler relating to the behaviour of the Five Nations and the answer of the Council of Trade, 14th July. *Set out*, N.Y. Col. Docs. V. 581; [C.O. 5, 1124. pp. 241, 242; and (corrected draft) 5, 1079. No. 120.]

[Nov. 29] **306.** The Case of William Penn Esq ; Proprietary Governor of Pensilvania, and of Joshua Gee, Henry Gouldney, Silvanus Grove, John Woods, and others, Mortgagees under the said William Penn. In 1708, to clear a debt which he contracted for the settling and improving the lands granted to him (*described*) Penn borrowed of said mortgagees £6600. For the securing whereof, with interest, he mortgaged the said Countries, and all his powers of Government, to them : And the principal money, and some interest, is still unpaid. *Refer to negotiations for purchase of his Governments by the Crown, he demanding £20,000.* The report of the Lords Commissioners for Trade was referred to the Lords Commissioners of H.M. Treasury, and soon after an agreement was made with him, for an allowance of £12,000, to be paid him at several payments (whereof £1000 was paid) in consideration of a surrender of his Governments ; and a draft of such surrender, and of an instrument of H.M. acceptance of it, was, by Her Majesty's Order, prepared by Her-then, and now Attorney General. But before those instruments were executed, the said William Penn being seized with an apoplexy, which disabled him to perfect the same, H.M., in Council, order'd the said agreement to be compleated by Act of Parliament. *Note in M.S. :—The £1000 was paid by warrt. 9th Sept. 1712 which is entred at the treasury Chambers. Endorsed, Reed. Read 29th Nov. 1720. Printed. 1 p. [C.O. 5, 1265. No. 152.]*

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Nov. 30. **307.** Mr. Secretary Craggs to the Governor of the Leeward Islands. Complaint having been made to H.M. that notwithstanding the signification of his pleasure to you, 31st Dec. 1718, you have granted to James Ward 30 acres of a plantation in the possession of John Douglas Esqr. or trustees for him etc. *encloses petition and order of 31st Dec. 1718*, that it may be effectually obeyed; and it is H.M. pleasure, in case you have not complied therewith, that you give me your reasons, why you have forborn to put the same in execution. H.M. likewise is pleased to order, that you give an account, whether you have granted to others than the actual possessors, part of a small piece of land in the town of Basseterre, mentioned in the petition, and if you have, for what reasons you have made such a grant. *Signed, J. Craggs. Annexed,*

307. i. Petition of John Douglass to the King. Petitioner having the whole substance of his family advanced in the settlement of a plantation, which he has legally possessed since 1711 in the late French part of St. Christophers etc., James Ward endeavoured to disturb him in the enjoyment of 30 acres thereof, against whom petitioner obtained a judgment. But upon Ward's petition to reverse, the Governor ordered John Davis the President of St. Kitts to give him possession; which order Col. Davis did not think proper to comply with, as judging it contrary to law. Petitioner was soon after favoured with H.M. order, June 25, 1718, to quiet him in the injointment of his lands, yet is still deprived of the benefit thereof, the Governor having given a grant for the abovementioned 30 acres to Ward, altho' he had received H.M. positive order to the contrary. This proceeding gave Ward a handle to renew his suit at Common Law, and the Judges being uncertain by what authority they are to take cognizance of matters in controversy relating to the late French part of St. Christophers, tho' it most advisable not to contradict the Genl.'s grant and gave Ward possession of the 30 acres etc. There is also a small piece of land in the town of Basseterre, formerly granted in petitioner's younger brother's name, Mr. George Douglass, very necessary for a storehouse for petitioner's plantation, which tho' there was a general Order not to dispossess any present possessors, the General gave grants for great part of to others. *Prays for redress etc. Copy. [C.O. 324, 34. pp. 26-29.]*

Nov. 30. **308.** Mr. Heathcote to Lord Parker. *Refers to enclosures*
New York. "of the greatest moment and importance." [*?Possibly memorials of 23rd Aug. and 14th Sept. Ed.*] Concludes: I should conclude my self guilty of the highest ingratitude and

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disloyalty to my Royal Master as well as injustice to my country to be silent when all H.M. Plantations in America are at stake which without a very speedy remedy I dare venture to say on the first irruption with France will be most certainly ruined and destroyed etc. *Signed*, Caleb Heathcote. 1 p. [C.O. 5, 1092. No. 17.]

Nov. 30. **309.** Col. Hart's replies to the Queries propos'd by the Council of Trade and Plantations in relation to Pennsylvania. (i) Pennsylvania is situated on the western side of the River Delaware *etc.* The soil is various, towards the river it is of a light, and seemingly barren sand, but valuably improvd by the industry of the inhabitants: Further from ye water the richer the soil, of a deep black mould, and produces by nature what the most fruitful parts of that continent does; and by art whatever is necessary for life. Delaware River is one continued harbour and very commodious for navigation, the months of Dec. and Jan. excepted, being then frozen up—other rivers there are none of consequence to trade. The climate is more agreeable to Brittish constitutions, than ye Southern colonies. Longitude, Latitude from 40 to 43 northern. (ii) Quotes boundaries by Charter. (iii) The Constitution. Cf. Charter. Adds. The greater part of the inhabitants being Quakers, some of their judges, and most of their Councel, Burgesses, Justices of the Peace and other officers are of that people. (iii) The trade which centers in the city of Philadelphia, grows considerably. The bulk of their commerce is to the West Indies and Madera, with lumber, beef, pork, wheat and flower: and have in return from ye West Indies rum, sugar, mollosses, cotton and Spanish money: and from Madera wine and bills of excha., which last are sent to London. They likewise build many brigantines and sloops on purpose for sale to the West Indies *etc.* (v) The inhabitants wear the same cloathing, and have the same utensills in their houses, as is in use in Great Britain from whence they have them; and it is computed the annual consumption of British manufactures is from 50 to £60,000. (vi) I know of no trade carry'd on to foreign Plantations except the Maderas. In Europe they trade to Lisbon, Cadiz and Alicant, where they send pipe staves, plank, timber, wheat, and fish purchased from New England: At Lisbon they frequently dispose of their shippes with the cargoe, and have their returns by the way of London or Bristol. Some return to the Isle of May and load salt, others to the Madera's for wine wh. they dispose of in the west Indies. (vii) Besides the Royal Instructions given to the Lieut. Governor, H.M. has three Collectors of the Customs in that Province to prevent illegal trade; and I do beleive the same is effectual. (viii) Their staple commodities are wheat, beef, pork and lumber. Manufactures none. (ix) Iron in abundance, but no other mines that I have

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heard of. (x) The annual produce of the commodities, including the whole trade of the Province, is computed at more than £100,000. (xi) The number of the whites are said to be 60,000 ; black about 5000. (xii) The inhabitants are greatly increased of late. By importation of great numbers of Palatines ; By many families from the north of Ireland, and by servants and artificers from Great Britain. (xiii) The inhabitants being eight in ten Quakers, the doctrine of non-resistance has too much prevail'd where they have had the power, as in effect that has been from ye first settlement of the Province, so that if there is any Militia, it is a late establishment. (xiv) There is an old ruin'd Fort at New Castle with 6 useless iron gunns near it ; If this Fort (which I am informed was made by the Dutch) were put into good condition, it would effectually secure the navigation of Delaware, the channel of that river lying within musket shot of ye Fort—other forts none. (xv and xvi) The number of Indians cannot be certainly known, for that they live remote in ye woods ; But I have been inform'd by the freind Indians of Maryland ; that there are many great Nations beyond the river Susquehanagh, which are the neighbouring Indians of Pensylvania : If their strength be known it is to the Indian traders, who out of a covetous disposition, generally conceal what discoveries they make. Onestogo is the principal Indn. towne and fort on Susquehanagh, where the Governor of Pensylvania, usually goes onct in the year to renew ye Peace with the Indians. The Indians during my residence in Maryland seemd to be very well inclind to the English ; But I am inform'd they begin to threaten war with Pensylvania ; and as these menaces do not affect that Province alone, it is the general opinion in the Plantations, it is done at the instigation of the French : and I am perswaded the conjecture is founded on good reason ; For the Indns. towards the Lakes, have a constant correspondence with the French traders, nor woud they quarrel with ye English but on ye prospect of greater profit from the French now those savages have no sense of gratitude, and tho' they may have receiv'd the kindest treatment from the English, yet if the French can perswade ym, it is their interest to destroy our Plantations they will endeavour to effect it. (xvii, xviii) The French settlements have, as yet, no other effect, on H.M. Plantations, then by debauching the Indians in freindship with us to their interest : By which they will always have it in their power to disturb our outward settlemts. and so put the several colonies to an excessive charge to guard their frontiers. By this unfair method (during the Peace) the French will carry on, their so long projected scheme, without interuption, of securing an intercourse on the back of our Plantations from Canada to Mississipi. And if the accounts I have be true, that the French have actually possessed themselves of some of the silver mines near Mexico, and that their veiws are a conquest

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of New Spain.—In such a case, I am humbly of opinion, the acquisitions of the French in America would have the same effect on H.M. Plantations there that their conquest of Flanders and Holland, would have on Great Britain in Europe. (xix) The Revenue arising in that Government is by an excise on beer, ale and other liquors made in the country, by a duty on rum from ye West Indies, and on wines of European growth. By the fees of the Seals of the Province. By a duty, instead of tonnage, called a let-pass ; all which are apply'd for ye support of the Governor ; and other exigencies of Governmt. (xx) The ordinary expences of the Governmt. are very frugally managed, and amount to an inconsiderable sume. The expences extraordinary I take to be to the Governour, which as Mr. Keith has inform'd me, do not amount to more than £1200 current money of ye Province, which makes about £800 sterling. (xi) The establishment for ye civil affairs of ye Governmt., are, besides the Governor and Council, for ye administration of justice, the six Cheif Justices, who hold their Courts four times in the year at Philadelphia, which Courts discharge the dutys of ye Kings Bench, Common Pleas and Exchequer, and I am lately informd the Governor has erected a Court of Chancery there. Each separate County has their Quarter Sessions held by ye Justices of the Peace, and have Sheriffes and constables as in England. The city of Philadelphia is govern'd by a Mayor and Aldermen, who hold their own Courts to determin affairs within their own jurisdiction. Military establishments none. I know of no officers that hold by patent from ye Crown. *Signed*, Jo. Hart. *Endorsed*, Reed. 30th Nov., 1720. Read 7th Sept., 1721. $7\frac{1}{2}$ pp. [C.O. 5, 1266. ff. 17–20, 22v.]

Nov. 30. **310.** Council of Trade and Plantations to Mr. Secretary Craggs. Enclose extract of letter from Maryland (v. 28th Nov.), relating to the attempts and strength of the French in America etc. [C.O. 324, 10. pp. 290, 291.]

Nov. 30. **311.** Mr. Popple to Horatio Walpole, Auditr. General of H.M. Plantations. Encloses, as requested, H.M. Instructions to the Govr. of New York relating to the Revenue and grants of land, and extracts of letters from Lt. Governor Spotswood relating to some pirates' effects (22nd Dec. 1718, 26th May 1719). [C.O. 324, 10. p. 291.]

Dec. 2. **312.** Council of Trade and Plantations to the King. Recommend John Robinson for the Council of Virginia in the room of Wm. Cocke, deed. [C.O. 5, 1365. pp. 222, 223.]

Dec. 3. **313.** Mr. Carkesse to Mr. Popple. In reply to 30th Aug., encloses list of ships entered and cleared in S. Carolina for three years ending Christmas last. *Signed*, Cha. Carkesse. *Endorsed*, Reed. 3rd Dec., 1720, Read 26th June, 1722. *Addressed*. $\frac{3}{4}$ p. [C.O. 5, 358. ff. 143, 144v.]

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- Dec. 3. **314.** Horatio Walpole to the Council of Trade and Plantations. Asks for claims made upon piratical effects imported into Barbados and submitted by Mr. Lowther etc. *Signed*, H. Walpole. *Endorsed*, Recd. 3rd, Read 14th Dec. 1720. 1 p. *Enclosed*,

314. i. List of 14 ships that imported piratical effects into Barbados according to the account given into the Treasury by Mr. Lowther. 1 p. [C.O. 28, 15. Nos. 100, 100. i.]

- Dec. 6. **315.** Mr. Willard to Mr. Popple. Encloses Minutes and Acts of Assembly for sessions of May 25 and July 15, 1720 and Minutes of Council to end of Aug. 1720 etc. *Signed*, Josiah Willard. *Endorsed*, Recd. 28th Jan. 17²⁰, Read 8th June, 1721. 1 p. [C.O. 5, 868. ff. 60, 61v.]

- Dec. 7. **316.** Copy of H.M. warrant for £1000 to be advanced to William Penn in part payment of £12,000, to be paid when the deeds of surrender and conveyance of his powers of Government of Pennsylvania and other places in those parts are perfected. Windsor. 9th Sept. 1712. (v. 29th Nov.) *Signed*, Oxford. *Endorsed*, Recd. Read 7th Dec. 1720. *Copy*. 2 pp. [C.O. 5, 1265. No. 153.]

- Dec. 7. **317.** Memorial of some Gentlemen of Barbados to the Council of Trade and Plantations. Robert Lowther before leaving the Island, having put all the offices civil and military into the hands of such persons as he hoped would prevent an examination into his male administration, arbitrarily and illegally, and without any just grounds, removed Samuel Cox from the Council, thereby to prevent his being President, and left the Government in the hands of John Frere, as has been fully proved before their Excellencies the Lords Justices in Council. The Governor well knowing that the suspension of Cox could never bear examination, passed an Act *for the better preserving the peace and tranquility of the Island*, thereby revoking and annulling the powers granted by H.M. Commission to Presidents and Commanders in Chief, and altering the very constitution of the Island, and making the consent of 7 Members of Council necessary to the placing or displacing any civil or military officer, whereas five with the Governor or Commander in Chief have always been a Quorum etc. There are at present but eight Members of Council in the Island; so that by the law aforesd. any two Members have a negative etc. The Lords Justices have restored Cox, who will probably ignore the said law etc. *Pray for the Board's report upon it.* *Signed*, Robert Havers, Abel Alleyne, J. Walter, Wm. Walker, Timothy Salter, Tho. Pindar, J. Blenman, William Savage. *Endorsed*, Recd. Read 7th Dec., 1720. 1 p. [C.O. 28, 15. No. 99.]

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Dec. 9. **318.** Council of Trade and Plantations to Mr. Secretary Whitehall. Craggs. Enclose extract of letter from Governor Hamilton, 3rd Oct., giving an account of the increase of pirates *etc.*, to be laid before H.M. for his directions thereupon. [C.O. 153, 13. pp. 459, 460.]

Dec. 12. **319.** Governor Shute to the Council of Trade and Plantations. I did myself the honour to write in June, July and August but have not as yet had the favour of any answer. I

have made it my utmost indeavours according to the fresh Instructions I received in October last was twelve months to preserve the timber in H.M. woods in these Provinces, and have given out the strictest orders to the Custom House Officers to prevent the exportation of timber to Spain, and have also issued out proclamations to prevent any further stroy in the Royal woods, which has in some measure had its desired effect, but the most effectuall way to prevent these ill practices will be to procure an Act of Parliament to prevent the exportation of timber to Spain, from the American Plantations, and also that in that Act a clause may be incerted whereby any person felling any timber in these Provinces fitt for masts shall be obliged to prove either to the Comimander in Chief or the Surveyor Genll. or his Depty. that these masts were not cut down in the Royal woods *etc.* The Indians have of late killed many of the cattle and insulted H.M. subjects in the Eastern settlemnts. So soon as I had received certain information of these insolences I sent down 250 men with a suitable number of officers to put a stop to these violences and have obliged them to promise to make satisfaction for the damage that they have done and to send some of their chiefs hostages to Boston there to remain untill they have performed the same; and have also obliged them to continue with me for the further security of those Eastern Settlements. *Signed*, Samll. Shute. *Endorsed*, Recd. 1st Feb; Read 7th March, 17²⁰₂₁. 2 pp. *Enclosed*,

319. i. Accounts of the Treasurer of the Massachusetts Bay, 30th May, 1719-1720. *Receipts*, £46,710 15s. 9d. Passed by the Assembly 13th July, 1720. *Signed*, Jer. Allen. *Same endorsement*. *Copy*. 28¹₂ pp.

319. ii. Accounts of the Treasurer of New Hampshire, 1718, 1719. *Expenditure*, £1140 0s. 11d. *Balance*, £197 16s. 1d. Passed by the Assembly, 28th May, 1720. *Signed*, Saml. Penhallow. *Same endorsement*. 3 pp.

319. iii.-v. Accounts of stores of war expended and remaining at Fort William and Mary at New Castle, New Hampshire, Oct. 1717-27th May, 1720. *Signed*, Robert Coates, gunner, and J. Wentworth. *Same endorsement*. 3 pp. [C.O. 5, 868. ff. 10, 10v, 11v, 12, 13-19, 20-27, 29-32v.]

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Dec. 14. **320.** Council of Trade and Plantations to Mr. Secretary Whitehall. Craggs. *Enclose* extracts of letter from Governor Burnet relating to French intrigues, presents to the Five Nations, and ordnance stores needed (24th Sept.), "which we desire you will lay before H.M. with our humble opinion, that it is of great importance to H.M. service that the usual presents to the 5 Nations of Indians who are our greatest security against the French and their Indians be continued, and that the necessary stores be sent for the defence of the Province, with directions to H.M. said Governor to require the Assembly to provide for the reimbursement of the charge thereof." [C.O. 5, 1124. pp. 243, 244.]

Dec. 14. **321.** Order of King in Council. Appointing John Robinson to the Council of Virginia, v. 2nd Dec. *Signed*, Robert Hales. *Endorsed*, Reed. Read 11th Jan. $17\frac{20}{21}$. $1\frac{1}{4}$ pp. [C.O. 5, 1319. No. 2.]

Dec. 14. **322.** Council of Trade and Plantations to Mr. Secretary Craggs. *Enclose* copy of Governor Philipps' letter (Aug. 6th). *Continue*: We shall only observe the necessity of sending such a force to this Province as may balance the loss of the French inhabits. and make H.M. authority more revered in those parts pursuant to our report of Aug. 30th etc., to which we would beg leave to add that in our opinion it is highly necessary for H.M. Service, that either a small man of war should be appointed to attend on this Colony or that the Govr. should be allow'd according to his own proposal to hire a sloop for the defence of that coast and the preventing of illegal trade there. [C.O. 218, 1. p. 494.]

Dec. 14. **323.** Governor Burnet to the Council of Trade and Plantations. *Begins* with duplicate of 26th Nov. Encloses acts passed that session, and urges speedy confirmation of act *laying a duty of 2 p.c. on European goods etc.* Describes act *for a five years support of government*. There is an alteration made from that passed by Brigadier Hunter in the article by which peculiar favour was given to vessels belonging to the colony. He has got the words added, *or of Great Britain*. The act *prohibiting trade with the French in Indian goods* does not prohibit trade in goods consumed by Christians, because the Assembly thought the country gained by that trade, since they take no corn or absolute necessities of life from us, but only such things as promote luxury among them. This occasioned their restraining the penalty to goods which the French can sell again to the Indians etc. Enumerates six other acts, and encloses Minutes of Council 17th June–28th Nov., 1720, and list of ships entered and cleared for last two quarters. *Set out*, N.Y. Col. Docs.

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V. 582. *Signed*, W. Burnet. *Endorsed*, Recd. 24th, Read 28th Jan., 1720. *New matter in his own hand.* 11½ pp. [C.O. 5, 1052. ff. 143–148v.]

Dec. 17. **324.** Report of Committee of Privy Council upon a petition of William West, Peter Longueville and others, praying to be heard upon a report from the Lords Commissioners of Trade upon a former petition of theirs (*v. C.S.P. 21st May, 1718*) to make a settlement between Nova Scotia and Maine *etc.* Having heard petitioners by their Council, and the Duke of Hamilton and Mr. Dummer, Agent for the Massachusetts Bay, in opposition to them, and likewise examined General Nicholson, who recovered the said lands from the French in 1710, and likewise perused several drafts and maps *etc.*, *report their opinion* that, “the whole tract of land and islands between the Province of Main at the River of Sagadahock *als.* Kennebeck, and St. Croix, may be erected by your Majesty into a Government under such Governour as your Majesty shall think fitt to appoint. That the lands lying within the said tract from the River of Kennebeck to the banks of the River of Penobscott shall be enjoyed by the present Proprietors and possessors according to their several rights and titles, and that so much of it as has not been granted to any purchaser or person, the same shall be at the disposal of the Colony of the Massachusetts Bay, paying such quit-rent as your Majesty shall think fit, upon condition that the said Colony do renounce and give up to H.M. all right, title or claim of theirs to any of the lands to the North of the River Penobscot, either in the Province of Main or in Nova Scotia, and all claim to the right of Government in any of the lands to the East of the River of Kennebeck on condition that they mark out the said lands in one year after the grant shall be made, and settle the same in two years afterwards. That as to the lands to the north of the River Penobscot unto the river of St. Croix, the petitioners have made out your Majesty’s right to grant the said lands to such persons, and under such quit rent and reservation as your Majesty shall think fit.” *Endorsed*, Reed., Read 25th Nov., 1729. *Communicated* from the Council Office. 25th Nov. 1729. 3 pp. [C.O. 217, 5. ff. 125–126v.]

Dec. 17. **325.** Lt. Governor Gledhill to the Council of Trade and Placentia. The severity of last winter occasioned great success in destroying of swayles insomuch that in our next Bay they kill’d such numbers as produced upwds. of 170 tunn of oyle. The entry of our fishery look’d very promiseing but much incomoded wth. pyrates *etc.* The late storms have done much damage to the small fishing boats as well as the intire loss of the *Hercules*, 250 tunns, and 3 other ships, including the *Betty* gally laden with provisions and cloathing for ye garrison, nothing saved but the men *etc.* There was two open boats

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full of Indians seen from St. Peters but suppos'd to be only a party a hunting from the Main etc. for they have done no damage. Since yor. Ldps. thinks opening a passage by land (to St. Johns, Bay Bulls, Trepassy, St. Marys etc.) impracticable, I humbly propos'd to yor. Ldps. That a post be fixed to goe evry 14 days to each pt. of this land wch. may be done with only the Govts. being att ye expence of 4 small boats to transpt. the post over the Bays of Trinity St. Maryes etc. such correspondence wo'd be mighty usefull not only in case of such accidents as have occurr'd last year but in point of trade etc. *Signed*, S. Gledhill. *Endorsed*, Reed. 7th Aug., 1721, Read 5th July, 1722. *Holograph*. 3 pp. [C.O. 194, 7. ff. 64-65v.]

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326. Governor Rogers to [? Mr. Secretary Craggs]. This day fortnight I arrived here. The sea air in comeing and the cold weather here has made me much better then when I left Providence. The vessell that brought me returnes in a day or two wth. what supplys I can gett. Wee have a report that there is a new coepartnership for improveing the Bahama Islands who are sending out two ships with recruities and stores butt as I have no letter I cannott tell what to expect. Its verry surprising that I can have no answer from home. I am sure nott deserved such treatment from the gentlemn. conserned. I humbly intreate you'll procure H.M. leave for my absence. If nott already come I depend to meete itt att Providence and that Generll. Nicholson will arrive timely enough for my seeing him before I leave this place wch. I hope I shall be able to doe in a small vessell in about fourteene days. This comes by Mr. Ockold a Lieutent. of the Garrison that has my leave to return home for his health. I doubt Lieutent. Beauchamp that the necessity of my affaires obliged me to recommend to you etc. has behaved very dishonourably towards me for I have nott had a line from him all the time he was in England and I heare he has acted to my disadvantage. I pray God forgive him for I believe I shall never see him more. If what I heare is true he is a most ungratefull man. I shall trouble you farther hence and I expect itt will be by this conveyance be pleased to excuse any omission and allow me to have an opportunity as soone as possible to wait on you that I may justifie my owne conduct demonstrate my duty to my King and Country etc. *Signed*, Woodes Rogers. 1 p. *Enclosed*,

326. i. Minutes of Council of the Bahama Islands, 8th Feb.—26th Nov., 1720. 46 pp. [C.O. 23, 13. ff. 55-80.]

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South Carolina

327. Governor Rogers to Mr. Secretary Craggs. *Refers to enclosure. Continues* :—Having no manner of intelligence from home, of my affairs, and to my great concerne hearing the vast confusion ye fall of stocks has made etc., I have resolved to delay what I designed to have proposed by Drs. Rowan and

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Sinclair (*v. enclosed*), till I can get home myself, that what I shall lay down, may not at this juncture put ye Govermt. on a rash attempt, and to employ such as will inevitably disappoint so glorious an undertaking, that if rightly executed can't in all humane probability fayl of successe, to ye vast advantage of our dear Country, and disappointment of all sorts of its enemies and competitors; for wh. reason I am resolved to wait on you myselfe, everything that I have been able to propose having hitherto been stifled or a wrong use made of it since I left London, and to prevent ye like for ye purpose and yt. ye bearer may not be misled as Luet. Beachamp and others has been to my prejudice, I have not let him know the contents of what he brings you *etc.* Pray sir rely and beleive I have something to impart that is of more consequence than you can at this distance almost imagine or beleive, and unless I have vastly more encouragemt. to stay then I have hopes to expect by ye ships yt. I hear on their departure from Londn., to Providence, I shall on my returne thither hold myselfe in readynesse as soon as I can put my affairs in order, and wait no longer then till the beginning of April when, whether I have leave or not, I shall return hither and visit Governr. Nicholson, and ad what information I may meet here, and then set out for London. I beg Sir, you'll be pleased with out losse of time to honor me with a few lines, and ye bearer has orders how to dispatch it hither yt. I may meet his Majesty's leave of absence, if not obtained before, though if it is not here in time, I shall not wait depending it is granted or will be by that time. I intend to send Doctr. Rowan on pretence tis on trade to ye Havana where he will be well received and from thence I beleive he must go to Movill and Pansecola, unlesse I can get intelligence by some other good hands. Pray God, France, and Spain, don't joyne abroad, the French now most certainly drives at it, and I am sorry to find so great a prospect of effecting it; But yet I beleive, good Sir, yt. nothing this way may be sett on foot, to prevent it, without proper measures are first very well concerted, for if you employ an Expedition in these parts as accustomary it will most certainly miscarry and it is time enough and will be so after my arrival, and ye consequence of a miscarriage may be pernicious, and disappoint anything of consequence after my arrival; Indeed Sir I am as sure as it is possible a man can be before he has been employed, yt. what I shall advance may be executed before its known in Europe, and if begun with a noyse or even discover'd by either France or Spain too early at home in Europe ye whole may be desapointed, wh. can't if prudently undertaken. I long to demonstrate what I here do but hint at. I have now wrot Governr. Pitt and Paul Docminique Esq. each a long letter yt. they may appear my Patrons to ye rest of ye concerned if in earnest to improve ye Bahama Islands *etc.* P.S. Ye letter of 18th July, 1719, is ye

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last I am honored wth. from you. *Signed*, Woodes Rogers.
Endorsed, R. March 22, 17²⁰. *Addressed*. *Sealed*. *Holograph*.
3 pp. *Enclosed*.

327. i. Undertaking upon oath to keep *the following* information secret. N. Providence, 25th Nov., 1720. This information corroborates former observations made by Governor Rogers and approved by sundry eminent merchants and gentlemen of experience; and since by several English and French who have toucht here in their passage to and from Mexico *etc.* *Signed*, Woodes Rogers, W. Fairfax, Andrew Rowan, Geo. Sinclair. 1 p.
327. ii. Deposition of George Sinclair, native of No. Brittain. Deponent sayld from Jamaica in the *Johnson* frigat Capt. Winter Commander, and arriv'd in the Bay of Campeachy on or about 1st Aug. 1714 in order to cut logwood, sd. Sinclair having about 20 servants and slaves, where they were employed about 12 months, when the Bay was attackt and taken by the Spaniards, who made sd. Sinclair a prisoner carrying him to Tobasco, where the Governour lying dangerously ill of the dropsy, some of the English prisoners inform'd sd. Governour, that Sinclair was a physician *etc.*, who undertaking the cure in little time performd it *etc.* He was sent to Cuidad Royal to cure the Bishop who lay ill of the gravel, also several other Fathers of the Convents, all which were cured. After which was sent for to Oahocea and thence to Mexico, on the request of the principal ecclesiasticks there, where, after two years travel in the country he was taken into the palace to attend the V. Roy as physician, and remained three years, when his mony and effects amounting to 40,000 dollars in value was taken from him by the K. of Spain's order, wch. came after the effects of the Assiento Company had been seized throughout the Spanish Dominions: Then the envy and jealousie of the other Spanish physicians invented a forg'd story to be told of Sinclair to the V. Roy, who sent him prisoner to the Havana, thence to be shipt for Old Spain, where the V. Roy said, if Sinclair could recover his money, he would there have liberty to try for it. By his practising of physick and travel throughout the chief parts of the Kingdom of Mexico, and the new Kingdom of Leon, he gained a perfect knowledge of the Spanish language, whereby he was admitted into a great freedom of converse both with the Spaniards, and the Cossaicks or Chiefs of the Indians. The latter of which seem'd more particularly to desire a friendship with him, and would

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constantly repeat the hardships and slavery they were under, and with a promising joy would as often wish they had other masters than the Spaniards. They exprest in general that they esteemd the French, but had a better opinion of the lenity of the English Government. The Indians seem'd everywhere so opprest by the heavy taxes impos'd on them, that no numbers would be wanting to joyn a few troops or men that would free them from the tyrannical Spaniard. Sinclair observ'd that the priests were obnoxious to most of the Spaniards as well as the whole Indians, for by their dissolute way of living, by the extravagant taxation of bulls, indulgencies, and other Church artillery too scandalous to be continued in Europe, are here improvd to that degree that no person was assurd of his own weldoing, but when bought and pronouect so from the mouth of the Priest. The City of Mexico which lyes about 80 leag. N.E.E. from La Vera Cruz is seated in a fine open country in the midst of a lake unguarded on all sides, insomuch that before the late cessation of arms the V. Roy had great apprehensions from the French encroachments, who had taken three mines by the assistance of the Indians, only led by one Frenchman who had made his escape out of the City of Mexico with about 20 ordinary fellows who had been prisoners, at which time Sinclair perceiv'd that the V. Roy. was extreamly uneasy, especially after the V. Roy had detacht. about 500 horse and 500 foot to break and stop the first motion of the French and Indians, which horse and foot were totally cut to pieces, as a second detachment had found on the spot mangled, and then thro' fear return'd to give that sad account to the V. Roy, on which he releas'd about 40,000 of the most sensible Indians who inhabit round the City of Mexico of half their accustomd taxes; And if the war had been prolongd the sd. Sinclair judges the V. Roy would have taken of the whole impost to gain the lost affecttions of those Indians; for on the first account of the cessation of arms the V. Roy orderd. the bells to ring, bonefires and all other tokens of joy, at the same time printing the D. of Orleans order for the French to stop their progress, without which there was another strong body of French and Indians which design'd to joyn the aforesd. body, which in all probability would have taken the City of Mexico, and then easily have conquer'd the whole Spanish Dominions thereabouts. All these things occurring to sd. Sinclair's knowledge being seven months afterwards in the Palace, and acquainted

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with everything worth notice in the Court till the latter end of August last when he was sent to La Vera Cruz etc. *ut supra.*, for till that time he kept his coaches and was esteem'd the V. Roy's chief favourite. During which, he casually saw and read a letter from the K. of Spain, which lay forgot on the V. Roy's table, wherein he express't a great want of mony in Madrid for the designs he had on foot, for which purpose he had order'd two men of war with other galleons to fetch such bullion or bars of silver as could be got ready, for said the K. of Spain, other Nations recouyn my mony, and by putting in allay make great advantage of the recoynage, therefore am resolv'd to improve that myself, for which purpose would have all the mint houses forbid coining any more money than what is to serve the currency of my Dominions abroad. Dr. Sinclair having been imprison'd in the Inquisition before he was known to the V. Roy, was judg'd by all the Spaniards to be so intelligent in the customs and manners of the Mexicans, that he believes that to be one of the chief reasons of his being ordered prisoner to Old Spain to conceal him from the conversation of the world etc. As he has by some friends in the Havana made his escape, he hopes in few months to wait in person with Governour Rogers on the Lord Townshend and Mr. Secretary Craggs, to whom he will make an ample discovery of the strength pollicys and designs of the Mexican Spaniards and Indians etc. *Signed*, Geo. Sinclair. $3\frac{1}{2}$ pp. [C.O. 5, 387. Nos. 16, 16. i., ii.]

Dec. 22. **328.** Mr. Popple to Horatio Walpole, Auditor General of Whitehall. the Plantations. *Reply to 3rd Dec.* Encloses papers relating to Mr. Sitwell's claim, and refers to the Treasury and Minutes of Council of Barbados etc. [C.O. 29, 14. pp. 88, 89.]

Dec. 24. **329.** William Hammerton to Lord Carteret. Prays for So. Carolina. his protection and support in the Commission he holds, against the intrigues of Mr. Trott, who is making interest with the Lords Proprietors for a young fellow of this place etc. *Signed*, William Hammerton. *Addressed. Sealed.* 1 p. [C.O. 5, 387. No. 17.]

Dec. 24. **330.** H.M. Warrant appointing Thomas Tickell, Secretary St. James. of Virginia in the room of William Cock, deed. *Countersigned*, J. Craggs. *Copy.* [C.O. 324, 34. p. 33.]

Dec. 24. **331.** Mr. Keen to Mr. Popple. Since the departure of St. Johns. H.M. ships has been committed a wilfull murder at Petty Harbour upon one Thomas Foard one of the greatest employers in the fishery in Newfland. the persons supposd guilty of the

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fact, I have apprehended and kep at my own charge together with two person as evidence and now send them in my sloop to have their tryall. As here is neither power or authority left with any persons to prevent the many evills and outrages dayly committed in this place and places adjacent after the departure of H.M. ships, wee that reside here are in danger of being murtherd and obleadged to suffer the insults of a lawless people and unless care be taken to appoint some persons with authority to reside here the winter wee shall not be able to follow our lawfull occasions but must leave our estates to the mercy of wicked and desperate men. Their Lps. will be pleasd to observe that I am at all the charge of apprehending mentaining and sending home prisoners and witnesses nor have I any power or authority for so doeing unless being one in Commission for the tryall of pyraey robbery and murther committed at sea. It's greatly hop'd their Ldpps. will consider of some means to prevent the growing evills amongst us and procure for us such power and instructions as may keep us from being destroy'd etc. *Signed*, W. Keen. *Endorsed*, Recd. Read 1st April, 1721. 2 pp. *Enclosed*,

331. i. Petition of the inhabitants of Petty harbour to the Council of Trade and Plantations. Pray that justice may be done to the offenders *above*, and encouragement given to such usefull and able men as Mr. Keen etc. They labour under severe difficulties for want of a resident authority at St. John's and are in danger of their lives from their servants etc. *Signed*, Edwd. Andrews and 9 others. *Same endorsement*. 1 p. [C.O. 194, 7. ff. 21-22v, 23v.]

Dec. 25. 332. Office accounts of the Board of Trade, Sept. 29-Dec. 25, 1720. v. Journal of Council. [C.O. 388, 77. Nos. 95, 97, 99.]

Dec. 26. Province of New Hampshire. 333. Lt. Governor Wentworth to the Council of Trade and Plantations. I was willing to take hold of so fair an opertunity by Mr. Bridger to tender my dutifull respects, etc. Mr. Armstrong was sworen 25th Nov. etc. How far it's consistant with H.M. intrest, that the power of the woods and the port should be in the hands of one and the same officer, your Lordships are the best judges. Mr. Armstrong is a good Collector, but for his knowledge of the woods, he will confess himselfe a stranger etc. H.M. woods will not be so well managed by a deputy as by a Generall Surveyor, whose name carries a greater sound of power etc. Refers to Mr. Bridger for an account of the woods. Continues:—He is an honest gentleman, and what has been wrote home against him, by way of complaint, has been cheifely for his asserting H.M. right to the woods etc., and those that were the greatest complainers were our unkind neighbours of the

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Massechusets who are and desier to be strangers to all Kingly power. Their actions make it manifest, by the carriage to the King's Officer more especially those yt are more emediatly from the Crown. They lay very heavvey burthens upon us too heavey for us to bear, notwithstanding wee are under one and the same Govermt. yet they take oportunitieis to pass such acts as oppresess us very greatly; They lay a tunnage of 2s. pr. tun on all our coasting vessills, they make us pay duble light money, just duble what there one vessil pay, they impose on us duble dutyes on all merchandize, if they pay 20s. for a hhd. of wine we pay forty, and so on, we have suffred it for some time past, but we hope to bring our Assembly in to make reprizall on them. They have had the greatest part of there lumber from this Govermt. for many years. We are in great hopes your Lordships will make a setlemint. of the lyne between the Province of New Hampshier and Masethusets, its a great pitty, ye Rivers were not the boundiares, that is from Merrimack to Piscataqua River and so West into the country, from Merrimack sea and North up Piscataqua River. That would enlarge our little Provence. We have furnished our Agent Mr. Newman with the best draft and light we can give him into our bounds, indeed we can't claime much more then we a posesion. I shall do everything lyes in my power to assist Mr. Armstrong in the execution of his office. *Signed*, Jno. Wentworth. *Endorsed*, Reed. (from Mr. Bridger) 8th Feb. 17²⁰. Read 5th July, 1722. 3 pp. [C.O. 5, 868. ff. 239-240v.]

Dec. 26. **334.** H.M. Warrant granting to Thomas Betts, Naval Officer in Jamaica, further leave of absence for one year. *Countersigned*, J. Craggs. *Copy*. [C.O. 324, 34. pp. 30-32.]

Dec. 26. **335.** Mr. Keen to Mr. Popple. *Refers to* enclosed papers relating to a grant of a salmon fishery undertaken by him and George Skeffington to the north of Cape Frills. "The whole charges of the undertaking were advanced by myself, but did not answer the expectation nor pay the outsett by £120 sterl." etc. *Refers to* an order he obtained from Capt. Scott to protect them against molestation by persons Skeffington complained of, "in wch. I only had Skeffington's name incerted, he being upon the spot" etc. *Signed*, W. Keen. *Endorsed*, Reed. 12th April, 1721, Read 12th April, 1722. 2 $\frac{1}{2}$ pp. *Enclosed*,

335. i.-v. George Skeffington to William Keen, Bonavista, 1718, 1719. Letters relating to the salmon fishery *above*, with accounts. 7 $\frac{1}{2}$ pp.

335. vi. Deposition of Isaac Bonovrier, 8th Aug., 1720, the salmon fishery *above*. Now that there is a prospect of recovering the loss sustained at first by W. Keen, Skeffington is endeavouring to engross the above salmon fishery, after acting as a paid servant at the beginning etc. *Signed*, Isaac Bonovrier. 1 p.

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335. vii. Copy of agreement between George Skeffington and William Keen. 8th Sept., 1718. 1 p. [C.O. 194, 7. ff. 53-55, 56-57, 58-59, 60-62, 63, 63v.]

- Dec. 26. Whitehall. 336. Mr. Popple to Mr. West. Encloses six Acts of Jamaica, 1719-1720, for his opinion in point of law thereon. [C.O. 138, 16. pp. 272, 273.]

- Dec. 27. Whitehall. 337. Council of Trade and Plantations to Mr. Secretary Craggs. *Quote* Sir N. Lawes' requests for guns *etc.* for Jamaica, 6th Dec., 1719, 2nd Feb. 1720. *Continue*: we take the liberty to offer our opinion which you will please to lay before H.M. that in case the publick service will admit of such a number of great guns and other stores being sent from hence for furnishing the Hanover Line at Jamaica, which H.M. Governor recommends with importunity as being of the utmost consequence to the security of the sd. Island, the Office of Ordnance may be directed to supply them. [C.O. 138, 16. pp. 274, 275.]

- Dec. 27. Whitehall. 338. *Same* to Governor Sir N. Lawes. *Acknowledge* letters of 30th July, 6th Dec, 1719, 2nd Feb, 31st March, 20th June and 24th Aug. 1720, all which we have had under consideration with the several papers therein referr'd to, and shall expect you will continue to send us in due time the several accounts required by your Instructions, particularly that which you promise us of the inhabitants of the Island under your Government that we may be the better able to judge what is proper to be done for the greater security of the Island. We cannot but approve the prudent care you took for the preservation of the Island, whilst you had so just apprehensions of danger, and are very glad to find so good use was made of that opportunity to erect and compleat the new line, and repair your fortifications. As to the guns which you desire *etc.* *refer to preceding*, and shall on all occasions shew our readiness to promote the interest of Jamaica, not doubting but the Assembly may be induc'd to make a suitable return for their own preservation and H.M. service; But as to your being provided with stores from hence, we do not see how it can be done without application to Parliament, all supplies for the Ordnance being appropriated, it is therefore to be wished that the fund in Jamaica for the fortifications might with due care be so managed as to answer all demands of that kind. We must now take notice to you, and cannot but express our concern to hear that the King's Orders in favour of the Lord A. Hamilton and the former Council for subsisting the troops employ'd for the Island's defence, have not yet been comply'd with. We did expect before this to have received another Act from you concerning the Trade to Hispaniola, conformable to our former letter, 9th July. We will still hope that the present Assembly may do what we expect in this particular, so we shall yet defer for a while representing our reasons to the King in Council for the repeal of the said Act.

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What you write concerning H.M. subjects cutting logwood in the Bay of Campeachy is agreeable to what we have some time since represented to H.M., not only with regard to the advantage and expediency of H.M. subjects having a liberty to cut logwood in the Bay of Campeachy, but of the right we have thereto, and H.M. Minister in Spain has such orders on those heads, as we hope may have the desired effect : in addition to our former Representation, we have laid before their Excellencies the late Lords Justices what you wrote to us, 24th Aug. *etc.* (v. Nov. 3). By your letter of 2nd Feb., you seem'd to intimate as if the Assembly by Committees during their recess were preparing among other business for the passing a perpetual Revenue Bill, *etc.* But as your subsequent letters mention nothing of such a bill, we need only at present acquaint you that you shall have our opinion of the said bill as soon as may be after the receipt of it, tho' H.M. subjects of Jamaica may be assur'd that upon their dutifull behaviour no reasonable priviledge will be deny'd them. The Acts which you passed in Nov. 1719 and Jan. 17^{1/2} being with Mr. West (v. 26th Dec.), we shall report thereupon to H.M. with all convenient speed after the same are returned to us. In relation to H.M. proportion of seizures upon breaches of the Acts of Trade, we have again writ to the Treasury, but not yet received any account what directions are given in that matter. The two last Acts pass'd in Jamaica to oblige the inhabitants to provide themselves with a sufficient number of white people being pass'd for so short a time have their effect before the same can be consider'd, and the signification of H.M. pleasure concerning them reach that Island ; But we send you here inclos'd copy of a former report of Mr. West's (v. July 8, 1719), relating to one of the sd. Acts, whereupon we cannot but concur with him in the objections he has made, and must desire that no future Act may be liable thereto. [C.O. 138, 16. pp. 276-280.]

Dec. 28. **339.** Governor Sir N. Lawes to Mr. Delafaye. Acknowledges letter of 6th Oct. with Instruction as to Acts for strikeing bills of credit, *etc.* Signed, Nicholas Lawes. Endorsed, R. March 17. 1 p. [C.O. 137, 51. No. 74.]

Dec. 28. **340.** Same to the Council of Trade and Plantations. Encloses two Acts passed last Sessions and Minutes of Council and Assembly till 29th Nov. There has little thing of moment occur'd since my last only the Commission I mentioned in my former for the trying of pirates has since been published and Rackum the Pirate and ten more have been tryed and executed which I hope in time will have a good effect tho' we are dayly robb'd and plunderd by vessels fitted out from Trinidad to Cuba. Repeats request for guns for Port Royal *etc.* Continues : There has of late some differences happened between Commodore Vernon and me in relation to a seizure made by the Port Officer.

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About the beginning of Nov. I had information brought me of a considerable quantity of French indigo which had been clandestinely imported from Hispaniola and in like manner shipt on board the *John gally* and other ships then bound for Great Brittain whereupon considering that trade to be very destructive to this country and of prejudice to the fair trader I issued an order to the commanding officer at Port Royall to be aiding and assisting to the Port Officers in the discharge of their duty and ordered the said ships to be searched but while those officers were discharging their duty they were opposed by Capt. Vernon. *Refers to enclosures.* I confess I am a stranger to any authority Capt. Vernon can have to interfere with any matters of this kind which is properly within the jurisdiction of my Government or can I conceive what cou'd induce him to obstruct this peice of service, it is to be hoped he'll justify himself to the Lords of the Admiralty, in the meantime I thought it my duty to lay the whole matter before your Lordships that if you think proper I may have H.M. directions how to behave in like cases for the future, but this I must observe to your Lordships that you have now a plain instance of the ill consequence that attends H.M. service of the men of warr not being under the direction of the Governor. *Signed*, Nicholas Lawes. *Endorsed*, Reed. 17th, Read 21st March, 1721. 3 pp. Enclosed,

340. i. Order by Governor Sir N. Lawes to Capt. Thomas Brooke, Commander of Port Royal, to aid the Port Officers in their duty *ut supra*. 1st Nov. 1720. *Signed and endorsed as preceding.* Copy. $\frac{1}{2}$ p.

340. ii. Deposition of Capt. Brooke. In accordance with preceding, deponent ordered 24 men to assist Robert Hall, but Capt. Vernon, H.M.S. *Mary*, by opposing the King's forces with a superiour strength hindered him from bringing from aboard the ships then bound to London and Bristoll above 100,000 lb. of indico. 26th Sept. 1720. *Signed*, Tho. Brooke. $\frac{3}{4}$ p.

340. iii-vi. Depositions of Col. Joseph Delauny and Capt. Tho. Brooke, Daniel Williams, Thomas Rightious, Robert Hall, *corroborating preceding.* 5 $\frac{3}{4}$ pp. [C.O. 137, 13. Nos. 46, 46. i.-vi.]

341. Council of Trade and Plantations to Governor Burnet. Dec. 28. We congratulate you on your safe arrival etc., and we shall be Whitehall. glad to hear of your good success with the Assembly. We have consider'd the reasons transmitted 17th Oct. etc. for your continuing the same Assembly which was call'd by your Pre-decessor, and have nothing to object thereto, the practice being exactly conformable to that in Ireland where one Parliament has subsisted under different Governors since H.M. accession to the Throne. We have laid before H.M. what you desired etc. (v. Dec. 14); And you may always depend on our assistance and

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endeavours to procure for you whatever shall be judg'd expedient for the service and good government of you(r) Province. *Set out, N.Y. Col. Docs. V. 583. [C.O. 5, 1124. pp. 245, 246; and (corrected draft) 5, 1079. No. 121.]*

Dec. 28. **342.** *Same to Governor Philipps.* Refer to letter of 23rd Whitehall.

Sept. and representation of 14th Dec. "upon which we hope H.M. directions will soon be transmitted to you." In the mean time as your being so particular in the accounts you give of the affairs of your Governmt. is very acceptabe and answers the intent of H.M. Instructions to you in that respect, we must recommend to you to continue the giving us the fullest informations you can by each opportunity with regard to the Province itself and its neighbours, whether foreigners, Indians or H.M. subjects. As to the French inhabitants of Nova Scotia, who appear so wavering in their inclinations, we are apprehensive they will never become good subjects to H.M. whilst ye French Governors and their priests retain so great an influence over them : For which reason we are of opinion they ought to be removed so soon as the forces which we have proposed to be sent to you shall arrive in Nova Scotia for the protection of and better settlement of your Provincee, but as you are not to attempt their removal without H.M. positive orders for that purpose, you will do well in the mean while to continue the same prudent and cautious conduct towards them, to endeavour to undeceive them concerning the exercise of their religion which will doubtless be allowed them if it should be thought proper to let them stay where they are. The presents for the Indians we hear have been ordered some while since, of which your agent will give you the necessary advices. We thank you for the relation you send us of the trade carry'd on with the Province under your Government, but as it cannot be put under proper regulations till you have a better force and some extended settlements, we shall reconsider the same at a proper opportunity with what further informations we shall receive from you on that subject. And we depend upon it your utmost care will not be wanting to prevent illegal trade when you shall be enabled to do it. At present we have only to add, that we shall expect the Minutes and publick papers you promise us. So we bid you heartily farewell, and are Your very loving friends and humble servts. etc. [C.O. 218, 1. pp. 495-497.]

343. Sir H. Mackworth's Proposal in Miniature, as it has been put in practice in New-York, in America. *Begins:* The Government of New-York was indebted in the sum of 60,000*l.* The funds, or revenue appropriated for payment, were 4,000*l.* The Governor being inform'd of a proposal made by Sir Humphry Mackworth, about sixteen or seventeen years ago, at a Committee of Ways and Means, for establishing a Parliamentary

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temporary specie of money, on security of the land-tax, resolv'd to make use of the same method for payment of the said debt, and thereupon a new specie of money was establish'd on the said fund of 4000*l.* per annum, of a certain value current in all payments, to the amount of the said debt of 60,000*l.* And the Governor and Assembly meet every year, and cause 4000*l.* received for taxes in the said new specie, to be burnt. By this expedient the debt was forthwith discharg'd ; the People, who wanted money to carry on trade were supply'd ; and the specie itself being almost all burnt by the said sinking fund of 4000*l.* per annum, the inhabitants are ready to petition for more, for which they will be willing to pay the Government any moderate interest. This is the same scheme which Sir H. Mackworth now proposes to be put in practice in Great Britain etc. *Argued.* *Concludes :* N.B.—That in New-England there are bills issued forth call'd Province-Bills, which are in the nature of Exchequer Bills here, and have been sometimes at a discount for want of an establish'd currency, and a secure fund to sink them : But in New York the bills are establish'd on a secure fund, and of a certain fixed value, and made current in all payments whatsoever, as much as any other the current coin of the Kingdom ; and never were at any discount at all etc. *Note.*—That the want of silver and gold was the occasion of their using these bills and species ; and that want was occasion'd because they are confin'd in their trade, chiefly to Old England, where the ballance of trade being against them, they have been forc'd to send almost all their silver and gold. London. Printed for W. Boreham, at the Angel in Pater-noster Row. 1720. *Pamphlet.* 18 pp. with paper cover. [C.O. 5, 1085. No. 30.]

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- [1736.] **344.** Abstracts of letters from Governors of Jamaica to the Council of Trade and Plantations, Feb. 2, 1720—10th Dec. 1736. 105 pp. With marginal notes as to replies. 1 vol. [C.O. 187, 42.]

- [?1720] **345.** An accompt of the several ports belonging to the Spaniards in America, which John Fenngass has been in a trading, with a discription of their fortifications to the best of his knowledge. 10½ pp. [C.O. 5, 12. ff. 3–8.]

- [?1720] **346.** Petition of James Smith to the King. Asks for leave of absence from his office of Secretary of New Jersey for twelve months “to come over to England to use ye Bathwaters.” $\frac{3}{4}$ p. [C.O. 5, 980. No. 41.]

- [June 16] **347.** A true state of the Case between the Inhabitants of South Carolina, and the Lords Proprietors of that Province ; containing an account of the Grievances under which they labour. *Endorsed,* Recd. (from Mr. Boon), Read 16th June, 1720. *Printed.* 4 pp. [C.O. 5, 1265. No. 145.]

COLONIAL PAPERS.

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Jan. 2. **348.** Horatio Walpole to the Council of Trade and Plantations. The Act of Barbadoes *to oblige the casual Receivers of Barbadoes to pay 100l. towards defraying the charges of the Grand Sessions to be held twice a year* is by no means agreeable to the 43rd Article of the Governor's Instructions (*quoted*). Instead of answering the expence of the two Courts out of the publick Treasury *as thereby directed* the Assembly would lay it upon H.M. casual revenue, wch. is already in so low a state as not to be able to answer ye charges of ye recovery and receipt of it. *etc.* This heavy charge would defeat endeavours that might be undertaken to recover it from its present confusion and make it a considerable revenue to ye Crown as it formerly was. *Signed*, H. Walpole. *Endorsed*, Reed. 2nd, Read 19th Jan., 172^o. 1½ pp. [C.O. 28, 17. ff. 3, 3v., 4v.]

Jan. 3. **349.** Mr. Popple to Sir Robert Raymond, Attorney General. Whitehall. Encloses extracts of letter from Govr. Shute, 1st June, and of the Charter relating to the negative voice, for his opinion to what particular elections the negative reserved in the Charter extends. [C.O. 5, 915. pp. 316, 317.]

Jan. 3. **350.** Order of King in Council. Referring following to the St. James's. Council of Trade and Plantations for their report thereon. *Signed*, Robert Hales. *Endorsed*, Reed. 12th, Read 13th Jan., 172^o. ¾ p. *Enclosed*,

350. i. Petition of the Corporation of the Governour and Company of Merchts. of Great Britain trading to the South Seas, and other parts of America, and for encouraging the Fishery, in General Court assembled, to the King. Petitioners have for a long time intended to carry on a considerable trade in America, especially on the passing the last Act of Parliament for taking in the publick incumbrances, when they hoped by your Majesty's most gracious favour, to have had that part of the Island of St. Christophers which formerly belonged to the French, Nova Scotia, and other parts of America, belonging to your Majesty, granted to them:—That by such a grant the said Corporation would be entitled to people, cultivate

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and improve the same, so as to bring in to this Kingdom Navall Stores, and other comoditys, now brought in from forreign parts, which would be a great encouragement to Trade and Navigation, an improvement, and increase of yor. Majtys. Revenue, and inlarge and secure your Majtys. dominions in those parts. Your Petitioners therefore most humbly pray that the said part of St. Christophers and also Nova Scotia, and such other places in America may (for the service of the Publick, and of this Corporation) be granted to them, under such limitations and restrictions, and in such manner as Yor. Majesty in your great wisdom shall think fitt. And yor. Petitioners (as in duty bound) shall ever pray *etc.* By Order of a General Court, the 2nd January, 1720. *Signed,* Jno. Fellowes, Sub-Govr., Charles Joye, Dep. Govr. *Copy.* 1 $\frac{3}{4}$ pp. [C.O. 152, 13. ff. 38, 39, 39v, 41v.]

Jan. 5.
London.
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351. Mr. Buck to Mr. Delafaye. We have reed. letters from our factors at Providence and Carolina complaining of the great hardship put upon them by Governor Niccolson *etc.* In June 1721 the sloop *Duck Harry* White master from Providence belonging to ye Bahamas Society and loaden with a cargo of their goods bound on a voyage to Hispaniola for which she was furnished with propper clearances from the Customhouse officers at Providence was seized by ye Governor and brought up to Charlestown where all the trunks chests bales *etc.* belonging to the cargo were broke open although ye vessell was not to trade or deliver any goods in that port and only went in to desire leave of the Governor to take in 20 barrells of that countrey beef. In Oct. last Capt. Tho. Walker our Factor at Providence sent a sloop from thence in ballast to Carolina to take in there a loading of deale bords in order to make proper conveniency to receive ye new Governor and recruits sent with him that they might not suffer as those wch. went with Gov. Rogers did for want of such conveniences wch. occationed ye death of almost one halfe of them, the 26th day of Oct. ye sloop was loaden and ready to sayle but Governor Niccolson detained ye master from time to time with a pretence that he had letters to send by him to Providence, when ye Master went agen to wait upon him for his letters he took a bible and made him swear to all questions he putt to him and amongst others asked him if he had any pitch or tarr on board, to wch. ye master made answer that he had 4 barrells of pitch and 2 of tarr and 2 of rice as stores and for wch. the Custom House Officers had given him a permitt as is usually done to all vessels tradeing from ye West Indies to the Continent of America. Upon this confession ye Governor went in person and seized ye sloop and has since condem'd her in a pretended Court of Admiralty.

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Pray caution the Governor against committing such acts of violence and oppression and you'll oblige the Bahama Society and in particular, *Signed*, Sam. Buck. *Addressed*. 2 pp. [C.O. 5, 4. No. 22.]

Jan. 10. **352.** Mr. Burniston to Mr. Popple. Encloses following. *Signed*, Cha. Burniston. *Endorsed*, Recd. 10th Jan., Read 5th Sept. 1721. *Addressed*. 1 p. *Enclosed*,

352. i. Proclamation by Governor Shute to prevent the destruction of H.M. Woods in the Massachusetts Bay, more especially in the County of York, formerly the Province of Maine, which has been made contrary to the Charter and Act of Parliament, 9th. of Queen Anne, etc. Boston, 1st Nov. 1720. *Signed*, S. Shute. *Printed*. 1 p.

352. ii. Robert Armstrong, Deputy Surveyor, to Charles Burniston, Surveyor General of H.M. Woods. New Hampshire, Nov. 20, 1720. By virtue of the saving clause in the Act of 9th of Q. Anne, "not being the property of any private person," the people of this Province elude the same. They have taken in thousands of acres wherein the best timber grows, and form the same into their townships, tho' the thousandth part thereof is not under any immediate improvement etc., and think that each inhabitant thereof may fell all trees at will. This must be corrected by our explanatory Act, etc. The King is under great disadvantage as to proof against those that destroy the mast trees, the onus probandi being on the King, which seldom can be made out, such is the behaviour of the people here etc. The inhabitants have utterly destroyed by sawing into boards etc. thousands of masts fit for the Royal Navy etc. I have prest at home this several years for an Act of Parliamt. to prevent the export of ship timber to foreign states, etc. Refers to Lord Bellomont's letter, C.P.S., 1700, 23rd April. *Signed*, Robt. Armstrong. *Copy*. 5 pp. [C.O. 5, 868. ff. 77, 78, 79, 81, 83, 83v.]

[Jan. 12] **353.** Mr. Perry and others to the Council of Trade and Plantations. Pray to be heard upon the petition of the South Sea Co. for the French lands of St. Kitts. etc. *Signed*, Micajah Perry and five others. *Endorsed*, Recd. 12th Jan., 1720¹, Read 5th July, 1722. 1 p. [C.O. 152, 14. ff. 142, 143v.]

[Jan. 12.] **354.** Stephen Duport to the Council of Trade and Plantations. Prays that his former petitions for lands in St. Kitts, which with the Board's favourable report upon them were

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mislaid at the Treasury, may be recommended to H.M. now that the South Sea Co.'s petition (*v. preceding*) is before the Board, etc. *Signed*, Ste. Duport. *Endorsed as preceding*. 1 p. [C.O. 152, 14. ff. 144, 145v.]

[Jan. 12.] **355.** Memorial by Col. Samuell Vetch, Richard Mullins, Charles Davison, David Pigeon, Cha. Brown, James Abercrombye, Cutts Hassan, Alexr. Willson, Francis Sullivan, George Lee, Peter Capon, Cha. Bruce, Wm. Cook, John Woodin, John Cocksidge, Seare Matthews to the Council of Trade and Plantations. In behalf of themselves and others who were in the actuall service in the late expedition by which Port Royall and Nova Scotia were reduced etc., refer to petition and reference of 21st July, 1719, (*q.v.*) upon which they have not yet obtained the Board's report. They are informed that the Governor and Company of Merchants trading to the South Seas have lately petitioned H.M. for a grant of Nova Scotia etc. (*v. 3rd Jan.*) *Pray for* a report upon their petition and that no report be made in favour of the South Sea Company until their case be heard, memorialists conceiving that they are entituled to a grant of said land preferable to all others. *Signed as above. Endorsed*, Recd. 12th Jan., 1721. Read 3rd Sept., 1724. 2 pp. [C.O. 217, 4. ff. 263, 263v., 264v.]

Jan. 13. **356.** Mr. Popple to Daniel Wescomb, Secretary to the South Sea Company. The Council of Trade and Plantations desire to speak on Thursday morning next with some of the Directors upon the petition of the Company (*v. 3rd Jan.*). [C.O. 153, 13. p. 461.]

Jan. 14. **357.** Mr. Stanyan (*Secretary to Mr. Secretary Craggs*) to Col. Nicholson. I have received all your letters to that of the 10th inst. relating to the difficulties you have met with about the man of war being obliged to touch at the Maderas, and the transports to pursue their voyage directly to Carolina. I thought when you applied for H.M. Orders for the man of war to take you with the transports under convoy, you had got that point so thoroughly settled, as to admit of no dispute or delay in pursuing your voyage, and that your contract with the owners of the transports had been made accordingly; but I find you did not understand one another rightly; however by the enquiry I have made at the Admiralty, I hope the chief objection is now removed, orders being sent from thence to the Captain of the man of war, not to call at the Maderas, so that now the transports will be at liberty to pursue their voyage directly under that convoy. All the difficulty remaining is, that the transports lie ready to sail and pretend to be at demurrage, whereas it will be some time yet before the man of war will be ready, however I hope it will be but a few days longer, and as

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for the soldiers on board the transports, you know they may easily be supplied with more provisions by the Victualling Officer at Plymouth; so that all that seems further necessary is to prevail with the Masters of the transports to stay till the convoy is ready. The dangers and inconveniences you represent, if the transports were to sail without convoy, are so many, that Mr. Secretary does not think it adviseable for you to go without the man of war, at least unless there were an absolute necessity, in which case you will do well to write to him first, etc. *Signed,* Temple Stanyan. [C.O. 324, 34. pp. 34, 35.]

Jan. 16. 358. Earl of Sutherland to Earl of Westmorland (*a Lord Commissioner of Trade and Plantations*) "Ther being a petition presented to the King in Councill on behalf of the South Sea Company to have a grant of the French lands in St. Christophers Nova Scotia" etc., *desires* to be heard upon his pretensions etc. (v. Jan. 3rd). *Signed*, Sutherland. *Endorsed*, Reed. Read 17th Jan., 1721. 1 p. [C.O. 5, 1266. ff. 1, 2 v.]

Jan. 16. 359. Lt. Governor Spotswood to the Council of Trade and Virginia. Plantations. Having lately held a Generall Assembly here, wherein more business has been done than in all the Sessions since 1714, I would not let this opportunity pass without communicating the most material transactions, tho' the shortness of the time since the prorogation (23rd Dec.) doth not permitt my sending the Journals etc. As I have on former occasions represented to your Lordps. the importance of gaining possession of the passes of the Great Mountains which lye to the westward of the inhabited part of this Colony, So your Lordps. have now the sentiments of the Council and Burgesses of the great consequence it is to these Plantations that those passes be speedily secured: the growing power of the French on the Mississippi and the dangers to which this and the neighbouring Plantations would be exposed should that Nation possess themselves of these Mountains, have justly alarm'd the Assembly, and stirr'd in them an uncommon concern to be beforehand in securing that barrier: To this purpose they have taken measures for encouraging people to extend their settlements up to those passes, and by an Address to H.M. (*enclosed*) etc. *Refers to their petition for remission of quit-rents for 10 years within the two countys they have now erected.* Continues: Tho' there be within the bounds of those countys many tracts of very good land, yet there are much more which are barren and mountainous, and which in all probability will ly many years both unprofitable to H.M., and useless to the subject without such an encouragement as is now propos'd: and besides, the Northern Indians continually traversing the Great Mountains through those passes, unless these be secur'd, few people will be tempted by any prospect of advantage to

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seat upon lands where they must be exposed to their insults *etc.* Whereas the exemptions and privileges proposed will so far encourage people to settle, that I have not the least doubt but that all the lands in those precincts will be seated in ten years time. And H.M. will then find so considerable an increase of his quitt rents as will abundantly compensate for the preceding years. But what is still more to be regarded is the increase of the trade of Great Britain which will accrue from the cultivation of this new territory inasmuch as new ground yields a much greater produce than that which hath been long used and worn out. And therefore I hope your Lordsp's. will assist with a favourable representation of the applications of the General Assembly in this particular. The other petitions in this Address are, that H.M. will erect forts at those two passes and send two companys of soldiers for garrisoning them *etc.* The expence of building these forts for the present need not be very great, there being plenty of stone upon the spott, and it being impracticable for any enemy from the other side of the mountains to bring canon against them : if twenty years service in the wars, and the part I had in the most considerable projects of the last war in Flanders as Lt. Qr. Master Genll. under the Duke of Marlborough can gain credit with your Lordsp's. *etc.*, I can assure your Lordsp's. that were I of the French side, I could with one company of soldiers in a month's time cast up such a work on that pass which I have viewed, that all the power of Virginia could not be able to dislodge me ; and how much more difficult it will be for the French who are much more remote *etc.* Recommends the establishment of a garrison *etc.* Refers to the three Acts herewith sent ; (i) for erecting the countys of Spotsylvania and Brunswick *etc.* Spotsylvania is bounded according to my observations when I view'd the Northern Pass over the Great Mountains at the head of Rappahannock River, there being little more of it known than what I discovered in that march : But the bounds of Brunswick which includes the Southern Pass at the head of Roanoak River, are so little known, that the Assembly was oblig'd to leave the same to be ascertain'd afterwards when a further discovery shall be made ; for tho' we are assured by the Indians and some traders, that there is a pass through the Mountains at the head of that River, and no other from thence to that at the head of Rappahannock, yet we are still in the dark as to the distance it is from our inhabitants, or how near these two passes are to one another ; and I believe I shall be obliged to make another journey thither before the bounds of that county can be fix'd or the intended fort erected. There is one clause in this Act, exempting foreign Protestants coming to inhabite those countys from contributing to the support of the established Ministers, so long as they keep a Minister of their own. This was put in, upon the observation of the incon-

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veniency of erecting distinct parishes for foreigners : The French Refugees sent in here by King William, bringing a Minister with them had their settlement erected into a distinct parish, but being unable to afford a comfortable subsistance to a Minister, they have continued a great many years without one, and trusting to contributions from their countrymen in England to supply that want, have to this day never applyed themselves to learn the English language, by which they might have been enabled to join in the publick worship with their neighbouring inhabitants, tho' they make no scruple to conform to the ceremonys of our Church, the Ministers they have had being of that Communion. The other parts of this Act are only for the better administration of Justice untill those countys are sufficiently peopled to have Courts of their own etc. (ii) An Act for the better discovery and securing of H.M. Quitt Rents. The chief occasion of making this Law, was to free the people from the penalty of forfieting their lands for three years non-payment of quitt rents, as had been enacted 1710 and 1713 ; but as those two laws had been under your Lordsp's. consideration and approved of, I did not think fitt to con[sent] to any alteration therein by this Act, without a clause suspending the force thereof till H.M. pleasure be known, etc. There is another part of this Act on which I likewise thought fitt to wait H.M. pleasure which is that of changing the payment of the quitt rents into currant money : This at first sight may seem to be disadvantageous to H.M., because of the difference between the currency of this country and the value of sterling money. But as I have taken notice that the principal reason why the greatest part of the King's quitt rents has been paid in tobacco, was the difficulty of the people's procuring English money, and the almost impossibility of obtaining bills of exchange. I have long been of opinion that H.M. allowing the quitt rents to be received in the common currency of the country would be the only way of lessning the tobacco payments and consequently of encreasing the value of the qt. rents : for as the qt. rent tobacco in divers countys have been sold heretofore for 3s. a hundred and sometimes for half a crown, and that many of those who paid that tobacco would have been contented to discharge their quitt rents in money, if it had been allowed them to pay it in the common currency, I think it is thence demonstrable that the Crown has lost considerably by insisting too strictly on sterling money etc. Refers to letter of K. Charles II mentioned in the preamble to this Act etc. It was by that letter directed that a proclamation should be published notifying the allowance of that manner of payment, how that proclamation came to be neglected I have not been able to learn etc. By this Act in order to the encouraging the payment of the quitt rents in money, the people are now obliged, if they will pay tobacco to deliver it at certain places in their severall

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countys, instead of the Sherifs recieving it at every particular plantation as the manner of collection now is. By this means the planters will be engaged rather to procure money, than carry their tobacco such a distance as this Act enjoins *etc.* Other beneficial clauses in this bill may be reckoned an equivalent for the forfieture imposed by the former laws: such as the method of selling the goods distrained for the quitt rents, which is different from the common practice established by law in the case of private debts; for by the laws now in force such goods are to be valued by appraisers chosen by the party and the Sheriff, and at whatever value these put on the goods, the Receiver General is obliged to take them, and to return the overplus in money to the debtor: so that where the valuation is made by corrupt appraisers, as is too often the case, the debtor is favoured beyond reason. And it has been known that the Receiver General for a debt of the King's has had an old saddle not worth 40s. valued to him at £25 sterl. But by this Act the person who makes distress for the King's debt is answerable for no more than what it will sell for by publick auction. The penalty of paying double quitt rents for all lands wilfully conceald, and making the lands of persons living out of the country liable to all arrears of quitt rents whenever they come to be afterwards possess'd, will also prove of great benefite to the Crown, by obliging the people to discover the true quantity they hold, and those who live out of the Colony to be more exact in the payment of their quitt rents, it being well known that a great deal of land is held by persons out of the country which have nothing on them to distrain. Neither could these lands by the former laws become forfieted for non-payment of quitt rents, because process could not be served on the owners to compell their appearance to defend their titles. These are the remarkable parts of this Act, and I hope will be reckoned a compensation for the latter clause which enacts that no lands shall here after become forfieted for non-payment of quitt rents, the preamble of which clause doth truly set forth divers practices very inconvenient to the subject which have been set on foot under pretence of that forfieture, which never were designed by the laws wherein the said forfieture is given, and I must acknowledge that such a penalty was severe enough of itself without making it a handle for cutting off entails, or giving occasion to ill disposed persons to acquire unjust titles to other men's estates; but in excuse for making that forfeiture it may be truly said that if such a penalty had not been imposed nor the other inconveniences dis[covered], this law now before yor. Lordspes. had never had its birth. And since the laws which create the forfieture for non-payment of quitt rents have now had their effect by obtaining a juster method of payment of the quitt rents, I hope H.M. will be pleased to accept of this Act as an equivalent for that forfieture; and that you

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will be pleased to expedite H.M. approbation that it may be put in execution if possible against the time of the next years payment of the quitt rents. The Act *for explaining and declaring what shall be a sufficient seating to save lands from lapsing etc.* is intended to supply some omissions in the Act passed in 1713 *etc.*; for as to the first clause which allows the clearing and fencing of pasture grounds to be a sufficient cultivation, it must be granted that clearing and fencing of such grounds is as much labour and cost, as if the same were actually planted with grain, and no man will be at the pains to make such a pasture unless he has likewise a plantation at the same place. The 2d clause is that where people lay out their money in buildings, or other valuable improvements, every £10 so expended shall save 50 acres of the tract on which these buildings and improvements are made. This will seem the more reasonable, if it be compared with the other methods of cultivation prescribed in the former law: for if the tending three acres of corn ground which doth not cost 40s. expence shall according to the first law save 50 acres, the laying out £10 in building houses which are absolutely necessary for a man's habitation or in planting fruit trees which are of a more valuable produce, and the other improvements thereinmentioned which are of greater expence ought to give him at least as great a benefite in saving his tract; and as £10 for 100 acres of the outlands is now the common price where there are no houses or improvements your Lordsp's. will not think it an unreasonable concession that the people are by this law allowed to save 100 acres at the expence of double the value of it, *etc.* That part which allows the surplus improvements on lands already patented, to save proportionably any contiguous tract hereafter taken up and joined together in one patent, will prove an advantage to the Crown, because in the taking up of lands since the late law directing the manner of cultivation, people have confined themselves to such small tracts as they found themselves of ability to improve, and have carefully avoided taking up much of what is accounted barren. So that abundance of such lands ly wast between the tracts of different patentees, which neither have cared to meddle with. Now liberty being given to join those contiguous barren grounds to the other more profitable tracts *etc.*, those who have the contiguous lands will gladly take in these barrens, seeing tho' they are unfitt for cultivation they may nevertheless be very usefull for furnishing their plantations with wood *etc.* Here is likewise provision made for recovering lands lapsed from persons living out of the country who by the former laws could not be come at unless the process of the General Court was actually served on them, but now the lands of such persons (if they do not appear and prove a seating after the severall publications directed by this Act) may be declared lapsed, and regranted

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to any that petition for it. This Act altering nothing material in the former laws for seating and cultivation, but only serving as an explication thereof, I did not take it to come under the distinction of laws of an extraordinary nature, and therefore gave my assent to it, and hope it will also deserve your Lordsp's. approbation. *Refers to enclosed public papers. Continues:*— Notwithstanding this House of Burgesses had in it a great many of the same members who composed the last, their present Address to me was unanimous; and I hope yor. Lordsp's. will believe that a Governor who is now treated with the appellations of good and just, could scarce deserve the character given him two years ago, of an oppressor of H.M. subjects, and a subverter of the Constitution, and it was more humour than reason that prevailed on the then House of Burgesses to frame such a complaint against me. I shall conclude with repeating my request that yor. Lordsp's. will be pleased to forward as much as possible H.M. resolutions upon what is contained in the Assembly's Address. I have sent the original to my Lord Orkney, who I question not will take the first opportunity to present it; and as I know it will be referred for yor. Lordps.' report thereon I am the more earnest in bespeaking yor. Lordsp's. dispatch thereof, because it has been represented here, as if nothing would ever be obtain'd at Court without an Agent from hence to sollicite in behalf of the Country, and the truth is, the Burgesses nominating Mr. Byrd to be their Agent on this occasion, is the only matter in which we have differed this Session; tho' it will not appear to be much the inclination of the people, when it is considered that this resolution was barely carried by the Speakers casting vote: and if H.M. shall grant the Assembly's request before Mr. Byrd gets home, it will be a means to convince the country that H.M. Ministers are not (as has been represented) so regardless of the Plantations as to need the sollicitations of particular agents to prompt them to the doing what the interest and safety of H.M. American subjects require. And hereupon I cannot forbear this one observation, that the application for soldiers to garrison the passes of the mountains can proceed from nothing less than a thorough conviction of the necessity thereof, when a people who have the greatest jealousy of and aversion to a Military power, so earnestly press for such a guard to their frontiers. I received yor. Lordps' letter of the 14th of July, just before the meeting of the Assembly, and having laid before them some paragraphs of that letter, it will be most properly answered when I transmitt the journals etc. *Signed, A. Spotswood.* *Endorsed,* Recd. 20th, Read 22nd March, 17²⁰₁. *10 pp. Enclosed,*

359. i. Address of the Council and Burgesses of Virginia to the King. Dec., 1720. Having with great attention deliberated etc. as well how to extend your Empire

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in these parts as to secure our present settlements from the incursions of the savage Indians and from the more dangerous incroachments of the neighbouring French, we beg to lay before your Majesty the present scituation etc. *Describe* chain of exceeding high mountains westward of Virginia about 40 miles distant from their remotest settlements "which extend all along on the back of this and the next province Carolina, and must prove an extraordinary safeguard to these Colonys, whenever our plantations shall reach so far as to get possession of the two passes thro' that ridge," etc. In case the French should be beforehand, they would not only secure their communications betwixt the St. Lawrence and Mississipi but would be in condition by keeping the key of this barrier to annoy your Majesty's subjects etc. To encourage the speedy seating that tract which lies untaken up between our present settlements and those two passes etc., we have now erected two new countys, the one in Rappahanock River leading up to the Northern pass, and the other on Roanoake leading to that on the South etc. We have exempted the inhabitants thereof from publick taxes for ten years. We have agreed to build them churches and Court-houses and to furnish them with armes and ammunition at the publick charge. But what we humbly presume would still be a greater inducement to many to go up and settle this new frontier, would be your Royal favour of remitting all the quit rents of these two counties for ten years and exempting the takers up of land from the 5s. which they are by the order of this Government obliged to pay for every 50 acres that they enter for etc. Beg H.M. to give directions for building a fort at each of the passes out of the quit rents etc., and for sending over two companys of men in H.M. pay 50 men each to serve as a garison for these forts etc. *Pray* Lt. Govr. Spotswood to interceed with H.M. in their favour, " who has spared no fatigue or expense to visit our mountains in person, and to inform himself of the exceeding importance of them " etc. *Signed*, by the Council (10) and Bur-gesses (42). *Endorsed as preceding. Copy. 3 pp.*

359. ii. (a) Lt. Governor Spotswood's Charge to the Grand Jury of Virginia, Oct. 19, 1720. Reminds them of the law against false and scandalous reports to defame the chief rulers etc.

(b) Address of the Grand Jury to Lt. Governor Spotswood. 19th Oct., 1720. We comfort ourselves that a Governor so faithfull to H.M., and so tender

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of the people's libertys, will ever be of great estimation in the opinions of good men, etc. *Signed, Aug. Moore, foreman, and 20 others. The whole endorsed as preceding. Copy. 3 $\frac{1}{2}$ pp.*

359. iii. (a) Speech of Lt. Governor Spotswood to the Council and Assembly of Virginia, Nov. 3, 1720. *Urges moderation and concord. "To consider the state I have among you, and the free choice I've made to fix it under this Government, you have not surely any grounds to suspect me of injurious designs against the welfare of this Colony; for if a conscientious discharge of our duty engages us Governors to be specially mindfull of Great Britain's interest, yet I cannot see why that may not go hand in hand with the prosperity of these plantations etc. I look upon Virginia as a rib taken from Britain's side, and beleive that while they both proceed as living under the marriage-compact this Eve might thrive so long as her Adam flourishes; and whatever serpent shall tempt her to go astray etc., will but quicken her husband to rule more strictly over her etc. Reminds them of the naked state both of the harbours and frontiers, the disarmed condition of the Militia, the inconvenient length of many counties, and leaves to their consideration whether the giving encouragement for extending their "out settlements to the high ridge of mountains, will not be laying hold of the best barrier, that nature could form, to secure this Colony from the incursions of the Indians, and more dangerous incroachments of the French" etc.*

(b) Address of the Council of Virginia to Lt. Govr. Spotswood. *Reply to preceding. Nov. 5, 1720. We account ourselves very fortunate in having frequent occasions of being prompted by your great talents to promote H.M. service, and the general advantage of this Dominion etc. Our near relation to Great Britain, we esteem our chief felicity: And as this Colony has in the most rebellious times signalized her loyalty, so we question not but she will continue to give proofs of unshaken duty to her Sovereign, and of entire fidelity and affection to her mother country, etc. Agree to consider the properst expedients for guarding the frontiers etc.*

(c) Address of the Burgesses of Virginia to Lt. Governor Spotswood. Nov. 5, 1720. *Reply to (a). 'Tis with joy not to be expressed that we see a late unhappy division so unexpectedly united, which (next under God) we must ascribe to your peaceable disposition, and shall most heartily agree, after the*

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example of our Governor, to banish all contentions out of our counsels and debates, and set ourselves earnestly and sincerely to consult, the united interest of our Royal Soverain, and this Dominion whose felicity it is to be joyned in interest with the Kingdom of Great Britain etc. We must joyfully acknowledge the satisfaction we have, to see our country in so prosperous and flourishing a condition as to want no supplies from us, as well as to be under the administration of so just a Governor etc. *The whole endorsed as preceding. Copy. 4 pp. [C.O. 5, 1319. Nos. 3, 3. i.-iii.]*

Jan. 17. 360. Mr. Wescomb to Mr. Popple. *Reply to 13th.* All South Sea house. the Directors being then to attend the House of Lords, they cannot possibly wait on yor. Board at that time etc. *Signed,* D. Wescomb. *Endorsed,* Reed. Read 18th Jan. 1721. *Addressed.* 1 p. [C.O. 152, 13. ff. 42, 43v.]

Jan. 19. 361. Mr. West to the Council of Trade and Plantations. Report upon several Acts of Barbados, passed in 1719, 1720. *Signed,* Richd. West. *Endorsed,* Reed. 19th Jan., Read 17th Feb. 1721. $8\frac{1}{2}$ pp. *Enclosed,*

361. i. Petition of Rev. W. Gordon to the Lords Justices. Dec. 2, 1720. *Signed,* W. Gordon. *Copy.* 6 pp.

361. ii. Order of Lords Justices in Council. Oct. 5, 1720. Confirming Report of Committee of Council, that the charges of the Governor and Agents of Barbados against Mr. Gordon are altogether groundless and ought to be dismist.

361. iii. Memorial of Rev. W. Gordon to the Council of Trade and Plantations. Nov. 1, 1720. *Copy.* [C.O. 28, 17. ff. 13-17, 19-21v., 23-26v.]

Jan. 19. 362. Sir A. Cairnes and Mr. Douglas to the Council of Trade and Plantations. Pray to be heard before report is made upon the petition of the South Sea Company (v. 3rd and 12th Jan.). *Signed,* Alex Cairnes, James Douglas. *Endorsed,* Reed. 19th Jan., 1721. Read 3rd Sept., 1724. $\frac{1}{2}$ p. [C.O. 217, 4. ff. 265, 266v.]

Jan. 19. 363. Col. Moore and his Council to Mr. Boone. By yours So. Carolina. of 8th Oct. wee are informed that wee may expect H.E. this month, which administers great joy to the whole Province and makes us have the best conceptions of your successful sollicitations. Continue wee beg of you to follow the Proprietors in every step they take to the disadvantage of Carolina etc. *Enclose reply to Rhett's "vile and scandalous letter" to be laid before the Secretaryes of State, Lords of the Treasury, Lords of Trade*

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and Commrs. of Customs *etc.* We desire you to use the most pressing instances to get that enemy to his country and detested reviler of mankind removed from his office of Surveyor and Comptroller of H.M. Customes *etc.* The Assembly meets in about three weeks, and if the new Governour doth not arrive before that you may expect a generall representation of his character *etc. etc.* Signed, Ja. Moore, Jo. Chicken, Saml. Prioleau, Jno. Lloyd, Thos. Smith, Benj. Schenckingh, Richd. Berisford. $1\frac{1}{2}$ pp. Enclosed,

363. i. Reply of Col. Moore and his Council to Col. Rhett's letter to the Commissioners of Customs, 21st Dec., 1719. (i) That the people of S. Carolina had run into open rebellion and proclaimed Col. Moore for their Governor in order to take the Lords Proprietors' Charter from them and to bring the Province under the King's immediate Government. This is fully falsified by Govr. Johnson's letter, 27th Dec., 1719, and the General Representation sent home at that time. (ii) That he, Rhett, had had 25 years experience among the people of Carolina, and that they were ever raising mutinies and commotions, and that it was not only the Lords Proprietors' authority they trampled on, but not long since they raised a rebellion against H.M. by calling together 70 or 80 men in arms to fire on the *Shoreham* man of war and Custom house Officers, at which time he was shot through the body, and this done in the execution of their duty for seizing pyratical goods *etc.* Reply. Assert the peaceable behaviour of the inhabitants. Col. Daniel, Depty. Governor, ordered some piratical goods brought into Charles Town by a privateer to be secured until the law had determined whose property they were. Col. Rhett endeavouring by violence to get said goods into his possession before they were condemned Col. Daniel did make use of his authority to prevent him, but the people were not other ways concerned than in getting under arms in obedience to the Governor's lawful commands. (iii) Several of the leading men have been concerned in a notorious clandestine trade, particularly Samuel Eveleigh, who is now one of their Council, and now they think they will have protection *etc.* He hopes Lord Carteret will procure such a power from H.M. as will soon subdue these factious people, for if they are not cropt in the bud, and an example made of some of them, they will sett up for themselves against H.M. Reply. There has been less clandestine trade in this Province than in any part of the King's Colonies *etc.*, tho' the Custom house yatch has lain rotteing in a creek for four years. Mr. Eveleigh had

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been a Deputy or Counsellor to the Lords Proprietors for 10 years. As for the people setting up for themselves, he is a villainous wicked wretch for suggesting what he knows to be false with a design to prejudice the whole Province in the King's opinion who are so remarkable in shewing their loyalty and zeal to H.M. (iv) They are in debt to the Lords Proprietors for arrears of rent a great many thousand pounds and have taken this rebellious method to pay off their old scores. *Reply.* There are arrears, but it is cheifly occasioned by Mr. Rhett not taking care to collect them, tho' there past a law the better to enable the Receiver to collect the rents, wh. their Ldps. did not think fitt to confirme. (v) That he hath thought it his duty in behalf of H.M. Revenue and security of fair traders to apprise their Honours that some remedy may be applied etc. *Reply.* He is owner of several vessels that trade from this place, is a trader himself and his wife keeps a shop in Charles Town. He traded to Augustine with great guns and powder immediately upon the cessation of arms, since which time the privateers of Augustine have taken several British ships upon this coast etc. Most of the differences between the people and the late Lords Proprietors have been occasioned by Mr. Rhett and his brother in law the late Judge Trott misrepresenting them to their Lordships with a view to their own private interest etc. *Signed as preceding.* 2 large pp. [C.O. 28, 39. Nos. 18, 19; and 5, 538. ff. 81-83v.]

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364. Edmund Sutton to Coll. Martyn Bladen, one of the Lords Commissioners for Trade etc. As I shall be a sharer of ye misfortunes yt. doth attend this place having an interest in ye same, I have taken ye liberty to remind you of our acquaintance at St. John College in Cambridge etc. Ye calamitous circumstance of this Island compells me to address you as a friend to mankind etc. Ye 5 of Decemr. last Mr. Saml. Cox came to ye Presidentship of this place, ye second setting of ye Council he suspended Col. John Frere, a gentleman of ye best fortune in this Island, and of unspotted reputation, contrary to ye advice of ye Council, and then he proceeded to break all ye military officers notwithstanding there is a late law of this Island yt. restraines a President power without ye consent of Council. Ye 17th of this instant he suspended six more of ye Members of H.M. Council and ye same day swore four of his creatures into their places and nominated a fifth whose indisposition prevented his being sworn; ye next place we expect he will displace ye Judges and then dissolve this assembly who are not very gratious with him for addressing H.M. against him

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and hath endeavoured to prevent all he can their proceeding on business by his adjournments tho' ye Island never wanted ye setting of an Assembly more than it doth at this juncture to remonstrate ye grievances of ye place, yt. they may be redressed at home, for we can hope for none here. As soon as ye Judges are displaced and some of his instruments do take their places and there is a dissolution of this Assembly that will not fall into his vile measures, he will labour to have such returned by Sheriffs of his own nomination for assembly men as are prepared for his model of Government wch. is to fill his empty coffers with ye public money etc. The French from Martineco hath more indulgence shown ym. by ye President then they have in their own Island, they have ingress and egress into all ye forts and fortifications and ye full range of ye Island and have an open access to ye President who gave leave to a French sloap to anchor in Carlisle Bay and remain in ye harbour for four days and after a universal clamour of ye Island he issued out a Proclamation for ye French men departure yet takes care underhand to prevent ye executing of ye same. He hath given letters for ye General of Martineco to several persons who under yt. pretence carry on ye sugar trade wch. is very destructive to this Colony and it may be made appear yt. he hath a share in ye sd. trade, and it is very notorious his encouraging some persons yt. are Knights of ye Post by putting ym. into places of trust and profit for taking false oaths against several gentlemen of this Island and displacing others etc. *Signed*, Edmund Sutton. *Endorsed*, Reed. Read 22nd March, 1721. *Seal*. 2 pp. [C.O. 28, 17. ff. 29, 29v., 30v.]

Jan. 23. **365.** Mr. Sutton to George Bamfeild and Alexander Stevenson, Agents for Barbados. There is no order past for yr. salarys and since Mr. Cox accession to ye Presidentship I have good reason to believe you will have none, ye said President being incensed against all persons that Mr. Lowther employed or made use of, it therefore behoves you when a Governour is appointed to make an interest with him etc. Our President hath turned our Govermt. topsy turvy etc. as preceding. *Signed*, Edmund Sutton. *Endorsed*, Reed. Read 25th March, 1721. 1 p. [C.O. 28, 17. ff. 47, 48v.]

Jan. 23. **366.** Samuel Cox, President of the Council of Barbados, to the Council of Trade and Plantations. *Returns thanks* for the Board's reports and relief "against the unparallel'd tyranny of our late Governor" etc. Will endeavour to promote the welfare of the Island and give an account of his actions etc. *Continues* :—Upon my demanding from the publick Secretary copies of the Minutes of Council from the time they were last transmitted, he sent me *the enclosed* answer etc. By this meanes it happens, that I have been able to transmitt to your Lordships

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no more then such as relate to transactions since my entering on the Government *etc.* The particular reason for my permitting Mr. Frere (altho' under contempt) to be sworn at my first sitting in Council was that I expected he would have withdrawn from the Board upon the reading the Lord Justices Order, and my requireing him to pay obedience to the same, and upon his neglecting so to do, I did not apprehend myself capable of exerciseing any act of Government nor consequently of excluding him, until I was assisted by a Council; which I conceived could not be till they were sworn; and he being the eldest Member thereof must regularly be first sworn *etc.* On my sitting in Council, the 17th instant I suspended Mr. Maxwell, Mr. Maycock, Mr. Ball, Mr. Blackman, Mr. Carter and Mr. Bond. *Refers to enclosure and hopes for their Lordships' approbation.* It was with the greatest reluctance and from an absolute necessity that I was compell'd to that exercise of my authority. Having (in vain) allow'd them so long an interval, as from the 8th Dec. to 17th Jan. for their returning to the sense of their duty. Which they abused, by paying their publick regards to Mr. Frere; Holding cabals with him, and the rest of their accomplices, and an utter contempt of me *etc.* The motion made by the suspended Members, at the Board the 17th instant, they aver that the reason why they made use of the word contempt, in their answer on 8th Dec., was because the Lords Justices made use of that word, 12th Oct. The plain meaneing whereof I conceive is, that altho' they did say in their said answer. That Mr. Frere is in contempt, yet (indeed) they do not believe him to be so (whatever the Lords Justices may adjudge) but were unwarily drawn in, to make use of that word, in complaisance to their Excellencys, who had thought fitt to use it. Altho' I expressed no other reason in Council for my suspending Mr. Frere, "Besides his contempt of H.M. Order of 11th June." Yet it appears that he was equally guilty, of most of the other Acts of disobedience and contempt whieh I have charged against the other suspended Members. For that he gave his assent to the Tranquillity Law, on 7th June; and disobey'd H.M. Order communicated to the Board by Mr. Lowther 30th June, asserted his right to the Presidentship, after the publication of the Lords Justices Order of 12th Oct., and before his suspension, as well as his right of sitting as a Member of Council after his suspension; And lastly urged the Tranquillity Act against my power of suspending him, 8th Dec. And I hope therefore his suspension (as well as that of the others) will be approved of by your Lordships as just and necessary *etc.* By the suspension of the aforesaid Members, there became a vacancy of five, to make up the number of seven in the said Council; which I have supply'd by chuseing, and appointing Reynold Alleyne, Henry Peers, John Sandford, Othniel Haggatt, and John Rous Esqre. to be of the said Council, till H.M. further

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pleasure shall be known. All which Gentlemen are of undoubted characters, as to their probity, understandings, estates, and affections to the Government. I earnestly request your Lordships to report their fitness to H.M. etc. As to what relates to the Assembly, they were chosen by virtue of writts issued from Mr. Frere and chiefly by his influence, after his haveing been served with H.M. Order of 11th June. *Refers to their Minutes enclosed,* "which Minutes are all that I could obtain from their Clerk; notwithstanding I have frequently demanded from him, all that have passed since the last time, that any of them were transmitted." *Refers to enclosure iii etc.*
Signed, Saml. Cox. Endorsed, Reed. Read 23rd March, 1721.
3 large pp. Enclosed,

366. i. Mr. Cox's Representation of the present state of Barbadoes and the conduct of those persons left in power by Mr. Lowther. Jan. 20, 1720-1. Mr. Lowther being determined at all adventures to exclude me from the administration in favour of his nephew Mr. Frere, not only contemned Mr. Craggs' letter but by way of prevention in case H.M. should be graciously pleased to repeat it, pass'd a law under the specious pretence of preserving the peace and tranquility of the Island whereby he would have vacated the very Letters Patents by which alone the power of making laws at all here is created. This pretended Law of his changing the fundamental constitution in direct opposition to the Letters patents, making the consent of 7 Members of Council in Council necessarily requisite in the alteration of any officers civil or military, altho' by the Letters Patents 5 Members are constituted a quorum, and the Govr. with the majority required and impowered to execute all the powers. Mr. Lowther displaced most of the old officers civil and military and supplied their places with persons of meaner fortunes and understandings who were creatures of his own, and had been the instruments of all his arbitrary conduct. All the Members of Council who were not suspended except Mr. Lightfoot owed their seats at that Board to his recommendation and had so blindly and universally concurred with him in everything that for their own sakes they would be sure to prevent any alteration that might leave room for a fair enquiry into their and his unjustifiable behaviour, and to engage them the firmer therein, he had prevailed with them to involve themselves in this guilt by approving of such his disobedience in Council. H.M. was further graciously pleased to explain ye significacon of his Royal pleasure expressly in my favour by another letter of the 11th

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June, which Mr. Frere then exercising the Govr. with the concurrence of all the Council except Mr. Lightfoot following Mr. Lowther's example took upon him to contemn. The Lords Justices for such his contempt required him forthwith and without delay to appear before H.M. at the Council Board, and directed me to take the administration of the Governmt. upon myself, when this order arrived to remove any apprehensions that I retain'd any resentmt. of any former ill treatment of me, I made a solemn declaration on 5th Dec. last, that all things past should be buried in oblivion, and that I would study to promote peace, unanimity and reconciliation among all H.M. subjects and caused the same to be entred in the Council Book and made publicly known. The time for holding a Grand Sessions being then near and by law all jurors being returned by writs issued by the Commander in Cheif *etc.*, and the Lords Justices having declared Mr. Frere's holding the Governmt. to be illegal and a disobedience and contempt of the Royal commands *etc.*, I therefore asked the opinion of the Council whether I could issue commissions for holding the Court, the writs for the return of Jurors having been issued by Mr. Frere, they desired time to consider which I readily granted them to Thursday the eighth when they gave in their opinion that the writs tho' issued by Mr. Frere were legal. In that interval I had certain accounts of a cabal of those Gentlemen, who thro' Mr. Lowther's influence were of the Council and Assembly and possessed of the civil and military offices who gave out that they had received letters from Britain giving them an account that the order of the Lords Justices was obtained thro' the influence of some noble Lords, that when H.M. returned Mr. Lowther would have all reversed and Mr. Frer reinstated (in hopes of which he has now stayed above two months in this Island, and determin'd to waite for more ships from London) That the Tranquility but made me a cypher, any two of them had a negative upon me, and that they had nothing to do but to stand by one another and defy me. In pursuance of those measures Mr. Frere had the confidence tho' in contempt of his Majesty instead of repairing home to come and offer to sit and act as a Counciller, and insisted upon doing so, and when I told him the duty I ow'd H.M. would not permit me to indulge him in that, and ask'd the opinion of the Council thereon, they refused to give me any positive opinion but all of them insisted on the pretended Tranquility but

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altho' it plainly appeared to be repugnant to and inconsistent with H.M. Comission and Instructions, and that the very attempting to enforce such an Act was such a heinous violation of and so great an incroachment upon the Royal Prerogative as I could never suffer without the highest and unanswerable breach of the trust reposed in me, however to avoid all misunderstandings and that my lenity and indulgence to them, might prevail with them to act in concert with me for H.M. service I adjourn'd the Council for a month, in which time I enquired into the state and condition of the forts magazine and militia. I am sorry I am forced to represent the miserable decayed and confused posture of everything, the forts are wholly out of repair, the stores which ought to be in the magazine embezled the militia have forgot all discipline and most of the Regmts. want subaltern officers. Whilst I was preparing to fall upon measures first of all for the redressing these errors, Mr. Frere went about the country endeavouring to perswade people to sign Addresses in his and Mr. Lowther's favour, and the Assembly who were most of them returnd to sit thro' his contrivance met privately on 5th Jan. at a Plantation in the country contrary to my order and in contempt of H.M. Prerogative, and there had the assurance notwithstanding of the judgment given agt. Mr. Lowther by the Lords Justices to pass an Address to H.M. in substance as I am informed complaining of the removal of Mr. Frere, commanding Mr. Lowther's administracon and complaining of mine before I had an opportunity of doing anything at all. I was amazed at so much insolence, but before I should proceed to advert thereon I sent to the Speaker Mr. Sutton for a copy of the Address which he not only refused to send till he should have the consent of the House, but had the assurance to direct me not to send him any more verbal messages. I thereupon called the Assembly the 13th Janry. and acquainted them with their Speaker's treatment of me, their contempt in acting when ordered to adjourn, that I was obliged by my Instructions to transmit to the Ministry all the Journals and transactions of that House and therefore demanded a copy of the Address mentioned in their Minutes, whereupon they went to their House, voted my demanding from their Speaker an infringement of their rights and privileges, gave thanks to their Speaker for denying it me, and resolved that I should have no copy of their Address. I have had the honour of being a Councillor above

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20 years and never knew such an encroachmt. on the prerogative ever attempted in the Island before, but what made it the more surprizing to me was that the Members of Council abetted and commended it, depending upon the Tranquillity Act for protection in any affront they should think fit to give me or the authority vested in me, this reduced me to the unhappy necessity of sitting tamely still and seeing H.M. authority trampled upon and his prerogative invaded or of removing those Members of Council who had voted for the giving of the Prerogative up, which I thought myself in duty bound to do, and to that purpose summon'd a Council on the 17th when all the Members except Mr. Lightfoot as soon as they came to the Board insisted upon having it minuted that in the opinion they delivered the preceeding Council day, they made use of the word contempt with relation to Mr. Frere's conduct only because the Lords Justices had made use of it, thereby insolently intimating, that they did not acknowledge that Mr. Frere had been guilty of any contempt. I thereupon thought myself in duty bound for the preservation of H.M. authority and prerogative and the vindication of the justice of their Excellencies the Lords Justices and the Members of H.M. most honble. privy Council, to suspend those Members for such their undutiful and treacherous behaviour to H.M., and to make the number of seven etc., etc. *Hopes for H.M. approbation.*
Signed, Saml. Cox. Same endorsement. 2½ pp.

- 366. ii. Copy of Mr. Cox's Speech to the Assembly. Barbados, 13th Jan., 1720(1). Demands copy of their Address to the King etc. *Signed, Saml. Cox, Same endorsement. 1½ pp.*
- 366. iii. List of Councillors suspended and appointed, *as in covering letter.* List of Gentlemen recommended for the Council by Mr. Cox; — Rev. Charles Irvine, Alexander Walker, Edward Warner, James Aynsworth, Thomas Beckles, George Walker, Samuel Osborne, Daniel Hooper, James Elliott, George Grame, Henry Evans, George Forster. *Signed, Saml. Cox. Same endorsement. 1 p.*
- 366. iv. Transactions relating to the Address to the King by the Assembly of Barbados. 10th, 11th Jan. 1720(1). *Same endorsement. 3¼ pp.*
- 366. v. Minutes of Assembly of Barbados, 5th and 13th Jan. 1720(1). *Same endorsement. 5½ pp. [C.O. 28, 17. ff. 31-35v, 36v.-40, 41-42v.]*

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Jan. 26. **367.** Mr. Secretary Craggs to the Council of Trade and Whitehall. Plantations. Commission and Instructions are to be prepared for Richd. Viscount Irwin, appointed Governor of Barbadoes. *Signed*, J. Craggs. *Endorsed*, Reed. Read 26th Jan. 172¹. $\frac{3}{4}$ p. [C.O. 28, 17. ff. 5, 6v.]

Jan. 26. **368.** H.M. Warrant for admitting John Robinson to the St. James's. Council of Virginia in the room of William Cock, deed. *Countersigned*, J. Craggs. *Copy*. [C.O. 324, 34. p. 36.]

Jan. 28. **369.** Mr. Popple to Mr. West. Enclosing for his opinion Whitehall. in point of law, Act of New York *appointing the value of lyon dollars*. [C.O. 5, 1124. p. 250.]

Feb. 1. **370.** Council of Trade and Plantations to Mr. Secretary Whitehall. Craggs. Enclose draught of Commission for Governor Lord Irwin, in the same terms as that afterwards prepared for Lord Belhaven (Tobago excepted) and Mr. Worsley v. Dec. 21. [C.O. 29, 14. pp. 90, 91.]

Feb. 2. **371.** Bishop of Salisbury to Mr. Popple. Desires to be heard on behalf of his kinsman, Francis Yonge, Surveyor Golden Square. General of Carolina and Bahama Islands, in case any person shall endeavour to get into his employments etc. *Signed*, W. Sarum. *Endorsed*, Reed., Read 3rd Feb., 172¹. *Addressed*. 1 p. [C.O. 5, 358. ff. 76, 77v., 78v.]

Feb. 2. **372.** John Lloyd to Mr. Secretary Craggs. *Complains* Charles Town, So. Carolina. of the behaviour of Capt. Hildesley, H.M.S. *Flamborough*. Upon his arrival, he behaved civilly to James Moore, Governor Elect, etc., but afterwards "entred into such measures, as to revile ye Governmt. and rail publickly against ye measures that had been taken, and to encourage Governor Johnson to resume his Governmt., offering him his assistance. This and a quarrel between him and Col. Rhett occasioned some representation to be made from hence to the Lords of the Admiralty before my return. Upon my landing a month agoe, I waited upon Capt. Hildesley, who received me with a great deal of civility, and we both appointed to meet over a bottle at night, when our conversation turned upon the affairs of this Colony, certain advices being then come of Mr. Nicholson's being appointed" etc., where he telling me what he could have done or might still doe to restore Mr. Johnson, I replyed that Mr. Johnson till some time after his arrivall, had acted very wisely, in not attempting to make any division or disturbance among ye people but patiently waiting ye answer from England etc., and that the King would not approve of anybody, that should disturb the peace of his subjects etc. We parted very friendly yet we never conversed together, but Governor Johnson and

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he dining together last Saturday was fortnight, the Flamboro' fired 15 guns and it was given out it was for news being come that a stop was put to Governor Nicholson, this with some other declarations made by that Company that very day, to amuse and devide people, made it necessary for ye Governmt. to issue out a Proclamation and to annex to it ye decretall order of ye Regency and ye London Gazet, wherein Mr. Nicholsons being appointed Governor and sworne before ye Regency was published. On fryday last he order'd his Lieut. Mr. Haycock on board ye *Samuel*, John Jones Master, bound and clear'd for London and to take his cheife mate on board ye *Flamborough* where he received 24 severe lashes on his bare back, and was afterwards put on shoar where shewing how he had been used, there gather'd together a great number of sailors belonging to ships in harbour, and I happening to goe by at that instant, got them dispersed immediately. The same day the mate gave an information upon oath, how he had been served by ye Lieut.'s order, and demanded a warrant against him, which was granted, but ye Justices first writ to him to acquaint him of ye information that was made, and that ye warrant would be served upon him if he did not goe before a magistrate and enter his recognizance, which he answering with an unmannerly letter, the warrant was served upon him on shoar, and he is now in the Martial's custody having refused to enter into a recognizance. The same day Capt. Hildesley made a signall for ye mars. of ships to come on board, where a very few went, to whome he rayl'd against ye countrey saying there was neither Governmt. nor Justice in it, and abundance of stuff to this purpose. On Sunday last he made a Speech on ye Bay here, to the Mars. of shippes, saying that he was Govnr. and that he would whip any mar. of a ship that used his men ill, by which he exposed himself so much that one of them asked him why he did not discharge his Lieut. out of his custody, if he was Govnr., and then ye rest laugh'd much. Just after this I met him upon ye Bay, where among other things he told me he would take it as a piece of friendship if I used my interest to get his Lieut. discharg'd. I answered that could not be done, without his making it up with the mate or entring into a recognizance. I told him I would speake to the owner to make it up with the mate, which he offered to do upon a small concession from the Lieutenant, which however the Captain did not think fit he should make etc. These proceedings of a Captain of a King's shipp, in a Governt. so unestablished as this is at present, might have had a mischevious consequence, were not the people almost unanimous; they have however occasion'd more disturbances and commotions than anything that has happen'd from ye beginning of ye Revolution etc. We expect General Nicholson here dayly, where he is very much long'd for, and it is impossible to express the due sence the inhabitants

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have of ye King's goodness, in taking them under his protection etc. P.S.—Governor Rogers of Providence was here for about six weekes and fought a duel with Capt. Hildesley upon some disputes they had at Providence, they were both slightly wounded. The former is returned to his Goverment. *Signed,* John Lloyd. 4 pp. [C.O. 5, 387. No. 20.]

Feb. 4. **373.** H.M. Warrant appointing Anthony Corbiere Naval Officer in Jamaica, and revoking the patent of Thomas Betts. *Countersigned, J. Craggs. Copy.* [C.O. 324, 34. pp. 36, 37.]

Feb. 4. **374.** Samuel Cox to the Council of Trade and Plantations.
Barbados. *Encloses* duplicates of dispatch by way of Bristol. *Continues:*—Mr. Frere's Speech att his first sitting in Council June 30th, 1720, now transmitted, (though I can not gett the same under the Seal) hath been kept as a secrett from me, and though I sent the Minutes of that Council with my former Address both to your Lordships and Mr. Secretary Craggs, in those of the fifth of August, yet it will be found that there is no mention made of it therein,—which shews first, how I am served by the Seery. here, and what just ground I had to complain, for want of the Minutes and other proceedings. Then (with humble submission) I think it shew's very plainly, a settled resolution taken to keep this poor Island in slavery, the suspended Members do appear all very heartily to have therein joined, by the approbation they give thereof in returning thanks for the same. I think I need not further trouble your Lordships on that head, who have seen that modell of government so fully exposed, only submitt it for your Lordships to make such use thereof to his most sacred Majesty, as shall be meet etc. I have lately received intelligence upon oath from severalls, and an express from the Generall of the French Islands, giving an account of a pyrate in that neighbourhood, who is become very formidable by the addition of severall vessels and great numbers of men, exercising thereabouts the vilest cruelties on the subjects of all Nations, and very earnestly solliciting me “to send what force I can to join with such as he can raise,” in order to exterminate that race of robbers. Common humanity would determine what should be done in such an exigence, but we had this consideration to add, that we may soon expect him to windward of this Island, which might be attended with fatall consequences. And the *Seahorse* frigate, commanded by Capt. Thomas Durell, happening to be here, in order to convoy the New England vessels to Tortuga for salt, and the *Rose* and *Sharke*, having been gone from hence but a few dayes, I immediately called a Council, we advised with Mr. Durell, of whose zeal for such a necessary service, I hold myself obliged to give the most ample account to your Lordships and Mr. Secretary Craggs, but he proposed my assistance of some more force, as

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well as of men and arms. All which the Members of the Council unanimously agreed to. But (alas) we found ourselves altogether unable to propose any means of doing it. Our Treasury empty, our funds all anticipated, the Island itself impoverished, by Mr. Lowther's rapines and exactions, so that I could not propose the raising any further force, especially considering that they who armed some vessels last year, on the like account, were frustrated of the rewards and encouragements promised, by which the publick faith is entirely forfeited. Yet, that we might do something, the Gentlemen now in the Councill have generously advised, and we have engaged our own credit, for the victualling, paying, and other expences for some supernumerary men, whom I provided with arms from our own magazine, and issued out press warrants for making up such a complement as he required, and have dispatched the said frigate, and sent to Mr. Whittney also to rendesvouz att Fort Royall, to join such forces as Mr. De Feuquieres can raise of his most Christian Majesty's for that intent. I most humbly apply to your Lordships, and beg your Lordships good offices for proper orders, that the victualling, paying, and other charges of this Expedition, may be defrayed by his Majesty; it being entirely for H.M. service, and so much tending to the publick good, etc. *Signed,* Saml. Cox. *Endorsed,* Reed., Read 30th March, 1721. $2\frac{3}{4}$ pp. [C.O. 28, 17. ff. 69-70v.]

Feb. 5. **375.** Mr. Popple to Mr. West. Encloses for his opinion Whitehall. in point of law Act of Bermuda *to supply the deficiency of several funds, etc.* [C.O. 38, 7. p. 459.]

Feb. 7. **376.** Petition of Capt. Pechell to the Council of Trade and Plantations. Being informed that the South Sea Company has petitioned H.M. for the French lands in St. Kitts, petitioner, on behalf of Capt. Andrew Thannet of St. Christophers, planter, repeats application for confirmation of a grant of lands (v. C.S.P. 20th Dec. 1716.) *Endorsed,* Reed. 7th Feb., 1721. Read 14th Sept., 1724. 1 p. [C.O. 152, 14. ff. 296, 297v.]

Feb. 7. **377.** Governor Lord Irwin to Mr. Popple. I've this morning a little return of my distemper etc. *Pray* acquaint their Lordps. that in my Commission the Island of Tobago is not mention'd, tho' particularly so in ye 106 instruction; several gentlemen of ye Island of Barbados has desired me to speak of it etc. *Signed,* Irwin. *Endorsed,* Reed. Read 7th Feb., 1721. *Holograph.* 1 p. [C.O. 28, 17. ff. 7, 8v.]

Feb. 10. **378.** Council of Trade and Plantations to the King. Whitehall. recommend dismissal of Peter Schuyler and Adolphus Philips from the Council of New York, and appointment of Cadwalader

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Colden and James Alexander in their stead, as proposed by Governor Burnet. $1\frac{3}{4}$ pp. [C.O. 5, 1079. No. 122; and 5, 1124. pp. 251, 252.]

Feb. 10. **379.** Order of King in Council. Approving preceding, and ordering accordingly. *Signed*, Robert Hales. *Endorsed*, Reed. 2nd., Read 8th June, 1721. 1 p. [C.O. 5, 1052. ff. 157, 158v.]

Feb. 14. **380.** The King to Governor Sir N. Lawes. Whereas you having represented unto us in Council that some persons of Our Island of Jamaica, are inclined to interrnett Our last letter of 15th Jan., 17 $\frac{1}{2}$ for paying £2706 6s. 3d. and £938 17s. 6d. to Lord A. Hamilton, late Governor, and others out of the first and readiest of Our Revenues there, to be a suspension or revocation of our Instructions to you, for taking your salary as Our Governour, as if all demands were to be postponed till the said money shd. be paid; and therefore praying that you may receive your salary as usual; And whereas Lord A. Hamilton hath also represented unto us in Council, that the first of the summs above-mentioned was expended by him when Our Governour of Jamaica, and by the Council there, for the support of the soldiers of that Island, at a time when the Assembly was not sitting, and when the Act for subsisting them was expiring; without which supply they must inevitably have starved, and the said Island been without defence; and that the other sum is due to him for the like service, and for his salary etc. *Refers to previous Orders on the subject and that of Jan. 15, 1720. Continues*: And the Lords of the Committee of Our Privy Council for hearing appeals etc. from the Plantations etc. having heard him as well as your Agent thereupon, have reported their opinion, that the debt due to Lord A. Hamilton, being prior to all others, ought to be discharged before any other demands, and without further delay, and that Our aforementioned letter for paying the same, out of the first and readiest of Our Revenues of Jamaica should be confirmed, and that We should please to signifie Our pleasure to you, that you do in the strongest terms, recommend to the Assembly the making good the deficiencys that may be occasioned by the payment of the debts aforementioned, as having been contracted for their own security, etc., orders accordingly. *Countersigned*, Townshend. [C.O. 324, 34. pp. 38-41.]

Feb. 14. **381.** Lord Townshend to the Council of Trade and Plantations. *Encloses* following for their report. *Signed*, Townshend. *Endorsed*, Recd. 14th, Read 15th Feb. 172 $\frac{1}{2}$. $\frac{3}{4}$ p. *Enclosed*,

381. i. Petition of some proprietors of Barbados to the King. The omission of Tobago from the Governors Letters Patents may give pretence to foreign powers to lay

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claim thereto *etc.* (v. 7th Feb.). *Signed*, Robert Davers, J. Walters, Wm. Walker, Timothy Salter, Abel Alleyne. $1\frac{1}{2}$ pp. [C.O. 28, 17. ff. 9, 10, 10v., 12v.]

Feb. 15. **382.** Council of Trade and Plantations to the Lords Commissioners of the Treasury. Enclose Office accounts from Midsummer to Christmas, 1720. There was then three months salary due to the Secretary and other officers, and three quarters due to this Commission *etc.* *Accounts annexed.* [C.O. 389, 37. pp. 203-205.]

Feb. 15. **383.** Council of Trade and Plantations to Lord Townshend. Whitehall. *Reply to Feb. 14th.* We do not find Tobago was ever inserted by name, in any Commn. to a Governor of Barbados. King Charles II in 1664 made a grant of that Island to the Duke of Courland, upon certain conditions, which the said Duke not having perform'd, it was declar'd in Council in 1686, that he had forfeited all right and title to the said grant. The Commsns. issued since yt. time having been drawn according to former precedents, Tobago has not been inserted by name notwithstanding the aforesaid Declaration in Council, but has been understood to be included in ye general words of ye Commission, and was inserted by name in ye Instruction; however as H.M. right and title to the said Island is unquestionable, we have no objection why Tobago should not be inserted by name, in my Lord Irwin's Commissn, as desir'd by the Petrs. [C.O. 29, 14. pp. 92, 93.]

Feb. 16. **384.** Address of Assembly of Barbados to the King. Cf. March 25. Your Majesty's fatherly love of all your people, your great goodness to hear, and readiness to redress their grievances, embolden us to approach your Royal Throne, humbly to represent the present state of this your Majesty's (once flourishing) Collony, under the administration of the Honble. Saml. Cox Esq. *etc.* That Gentleman, at the time of the devolution of the Government upon him, found the offices civil and military, filled with persons of fair fortunes, and characters, and distinguish't by their attachment to your Majesty's interest, and the people of the Island in general well satisfied, and united more than ever, and matters might well have continued in that happy situation, had it pleased the President. But the peace and tranquillity of the Island is broken *etc.*, by the conduct of the said President, who hath already suspended seven members of H.M. Council, turned out seven of the eight Colonels of the Regiments, the Masters in Chancery, and all the Judges of the Courts of Common Pleas, c[h]anged the Commission of the Peace, and threatens daily to dissolve the Assembly. We cannot express the discontents occasioned by

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those changes, which tend apparently to revive and support an expiring faction among us, who are known enemies to the peace of their countrey, and have been always suspected of disaffection to your Majesty, and your Royal House. We beg leave to further to represent to your Majesty that an illegal trade, between this and the French islands, is now openly carried on, French goods are daily in great quantitys imported here, from Martinique, and our money, and even the provissions necessary for our support, are sent thither in return, to the enriching a few self-interested men, and impoverishing of the rest of the inhabitants, and by means of this fatal trade, the French not only grow acquainted with our landing places, bays and harbours, but visit and learn the condition of our lines, forts, and batterys. These mischiefs, we cannot hope to have redrest by the Legislature here, nor have we an opportunity as an Assembly, to lay our just complaints before your Majesty, since it hath pleased the President, ever since his coming to the Presidentship, to command the Assembly to adjourn from time to time, without presuming to go on any business ; We therefore humbly cast ourselves at your Majesty's feet, beseeching your Majesty to consider the premisses, and to make such an order therein as your Majesty in your great wisdom shall see fitting etc. *Signed*, Edmund Sutton, Speaker, and 19 others. *Copy*. 3 pp. [C.O. 28, 44. ff. 1-2v.]

Feb. 16. 385. Petition of Col. Vetch to the Council of Trade and Plantations. On behalf of his father-in-law, Robert Livingston, senr., prays that his son, Philip Livingston, may have a Commission to succeed him in his places as Secretary to the Indian Affairs, Town Clerk, Clerk of the Peace and Common Pleas in Albany, which he desires to resign by reason of old age. Whilst he has been Speaker of the Assembly, the said places have been wholly executed by his son etc. *Signed*, Sam. Vetch. *Endorsed*, Recd. 12th May, Read 8th June, 1721. 1 p. [C.O. 5, 1052. ff. 161, 162v.]

Feb. 17. 386. Governor Nicholson to Lord Townshend. The Assembly mett the 25th of the last month and it is proposed they will break up next Satterday there being several things of moment before them. The Committee of Correspondence by order of the Assembly now write to John Lloyd Esq. our Agent and send him several papers etc. and he is to wait upon your Lordps. concerning them and give your Lordps. an accot. why Francis Yonge, Esq. could not come by this opportunity but I hope in God he will depart hence in about three weeks by him will be transmitted a full accot. of all our affairs, of which he will fully inform your Lordp. etc. *Signed*, Fr. Nicholson. 1 p. [C.O. 5, 387. No. 21.]

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- Feb. 18. **387.** H.M. Warrant for admitting Cadwalader Colden and St. James's. James Alexander to the Council of New York and discharging Peter Schuyler and Adolphus Philips. *Countersigned*, Townshend. *Endorsed*, Recd. 25th Feb., Read 8th March, 172¹. $1\frac{1}{2}$ pp. [C.O. 5, 1052. ff. 153, 154v. ; and 324, 34. pp. 41, 42.]

- Feb. 20. **388.** Mr. Burchett to Mr. Popple. H.M.S. the *Winchester*, Admiralty Office. commanded by Captain James Stuart, and a frigate of 30 guns being design'd convoy to Newfoundland this year, and Captain Stuart being the Commadore, *asks for* such Instructions and Heads of Enquiry, as the Council of Trade may think necessary etc. *Signed*, J. Burchett. *Endorsed*, Recd. 21st, Read 24th Feb., 172¹. *Addressed*. $\frac{3}{4}$ p. [C.O. 194, 7. ff. 19, 20v.]

- Feb. 24. **389.** Lord Townshend to the Council of Trade and Plantations. Whitehall. *Encloses following. Concludes* :—I must desire your Lordps. will give me the state of that matter, and furnish me with proper arguments to be used in a representation to the French Court against such encroachments. *Signed*, Townshend. *Endorsed*, Recd. 27th Feb., Read March 1st, 172¹. 1 p. *Enclosed*,

389. i. Extract of letter from Capt. Purvis, H.M.S. *Dursley* galley, to Mr. Burchett. 23rd Feb., 1721. The master of the Canseux ship that I spoke with at Lisbon, gave me an account, that the French are now settling on an Island on the coast of Nova Scotia called St. Jean, which will be a very great prejudice to the English fishery etc. $\frac{3}{4}$ p. [C.O. 217, 3. Nos. 20, 20. i.]

- Feb. 25. **390.** Governor Rogers to the Council of Trade and Plantations. Not having been honoured with any of your Lordships commands, I write this only to accompany the Minutes of the Council's proceedings commencing where the last I had the honour to send you left off, vizt., 8th Feb. 1717 etc. It will be a great satisfaction to me that they may meet wth. your Lordship's approbations, which has been my earnest endeavours ; tho' I must informe yr. Lordships that it is impossible I can subsist here any longer on the foot I have been left ever since my arrival. I have perpetually transmitted advices of the difficultys I laboured under, being first left in the utmost distress by H.M. ships after just seeing me landed, wth. a few sick men, to encounter near 500 of the pirates, and ever since have not been able (notwithstanding the many letters I have writt) to prevaile on any of them to come near me, except the *Flamboro'*. Nor have I had any recruits worth mentioning, either of men or cloths, since I first raised and cloathed the Company, three years agoe, so that I have been forced to buy clothing at very

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extravagant rates here in America as well as provisions, not only for the garrison, but four times that number of the inhabitants and sailors, on many occasions, but especially for about three months that the embargo was laid on ye shipping, wee expecting to be attackt by the Spaniards every day, to procure these things I have been at great expences, in freighting, fitting out, and maning several vessels, as well for fetching them, as for following and suppressing the pirates, and all this without the least support, from England, or any possibility of raising one penny here (had the people been able to have contributed towards defraying these expences) for want of power to call an Assembly, wch. I have continually wrote for, without a sillable of answer from any one. By doing all this I have contracted great debts, and the bills I drew, to defray severall of these expences, wch. ought to have been immediately paid have been protested, so that now I have no other satis-
factions left me in this abandon'd place and condition, but that of haveing done my duty to His Majestie and my Country, tho' at the hazard of my own intire ruin. Yett tho' I have wanted all manner of encouragemt., I have so done my duty, that I can assure you, I do not hear of a pirate near these Islands, and have put the place in such a posture, that if it be supported from home, and with small expence more to ye Crown, wch. I hope to have the honour of proposeing to yr Lordships when I come home. This island (to confirm what I have often wrote you) may be made ye most convenient magazine for trade for all this part of the world, and secured from the attacks of any of its enemy's, and in time of warr, may distress them by its scituuation, so near the chief of both the French and Spanish settlements. This place so secured by my industry, indefatigable pain, and the forfeiture of my health, has since been sold for fourty thousand pounds and myself by a manager at home, and Copartner's Factotum here, thought not to disserve any share of it. But on the contrary all the unworthy usage a man can have, has been given me, and all ye expency's designed to be thrown on me, but that I have an intire relyance on the honour and justice of my Lord Londonderry, Mr. Wm. Chetwind, and Mr. Doeminicque, the only surviving of the Co-partners worth mentioning. I depend I have H.M. leave to go home, having written for it, above a yeare since. I shall therefore (tho' no such leave is arrived) proceed to do so, by the way of Carrollina, the next month, and leave the Governmt. in the hands of Mr. Fairfax, a kinsman of Coll. Bladens, but without some care taken to support the place from home, I cannot expect he will be able to hold it long after my departure, tho' I shall put him in the best posture I can, wth. provissions and every thing else I shall paun myself further for, at Carrollina, for the Guarison's maintenance and I perswade myself, I shall not want your Lordships good offices to have me

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excused by H.M. for thus leaving my Government, since without going my selfe it can no longer be supported *etc.* *Signed,* Woodes Rogers. *Endorsed,* Reed. Read 27th June, 1721. $3\frac{1}{2}$ pp. [C.O. 23, 1. No. 35.]

Feb. 26. **391.** Lord Townshend to the Council of Trade and Plantations. *Encloses* letters and papers from Governor Philipps to the late Mr. Secy. Craggs, "which you will please to peruse and to make a representation of such matters you shall judge proper" *etc.* *Signed,* Townshend. *Endorsed,* Reed. 27th Feb., 17 $\frac{2}{3}$, Read 23rd May, 1722. 1 p. *Enclosed,*

391. i. Governor Philipps to Mr. Secretary Craggs, Annapolis Royal, 27th Sept., 1720. *Endorsed,* R. 24th Feb. Duplicate of C.S.P. Sept. 26th, 1720.

391. ii. *Same to Same.* 24th Nov., 1720. Duplicate of C.S.P. 24th Nov., 1720. [C.O. 217, 4. ff. 49, 50v.-60, 61, 61v., 62v.]

Feb. 26. **392.** Order of King in Council. Approving of draught of St. James's. Commission for the Lord Viscount Irwin to be Governor of Barbados. *Signed,* Robert Hales. *Endorsed,* Reed. 2nd, Read 8th June, 1721. $\frac{3}{4}$ p. [C.O. 28, 17. ff. 122, 123v.: and (duplicate signed, Temple Stanyan), 5, 191. p. 1a.]

Feb. 27. **393.** Mr. Attorney General to the Council of Trade and Plantations. *Reply to 3rd Jan.* I apprehend the principal question intended by your Lopps. related to the negative given by the Governor to the election of the Speaker for the Assembly. And as to that I am of opinion the Governor has a negative voice, the words of the Charter [of the Massachusetts Bay] being very general and expressly applicable to the case vitz. that in all elections and acts of Government whatsoever to be made or done by the Generall Court or Assembly the Governour shall have a negative voice *etc.* And as the words extend to this case the account given by the Governour how that clause came to be inserted in the Charter strongly fortifys this construccon *etc.* I think the negative voice of the Governour will extend to all elections which can be comprized within the words of yt. clause in the Charter which are very generall and seem to me to extend to all elections originally made by the Assembly. I insert the latter words to exclude any construction as if I meant any elections of members of the Assembly. *Signed,* Rob. Raymond. *Endorsed,* Reed. 28th Feb., Read 7th March, 1721. $1\frac{1}{2}$ pp. *Enclosed,*

393. i. Extract of letter from Governor Shute, 1st June, 1720.

393. ii. Extract of Charter of the Massachusetts Bay [C.O. 5, 868. ff. 33-35, 38v.]

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- March 6. **394.** H.M. Warrant granting leave of absence to Charles St. James's. Huggins, Clerk of the Exchequer in Barbados, for 12 months. *Countersigned, Carteret. Copy. [C.O. 324, 34. pp. 46, 47.]*

- March 6. **395.** Circular letter from Lord Carteret to Governors and Proprietors of Plantations. His Majt. having, upon the death of Mr. Craggs, been pleased to honour me with the Seals, and to assign to my care the affairs of the Southern Province, I take the first opportunity of giving you notice thereof etc. *Signed, Carteret. [C.O. 324, 34. pp. 47, 48.]*

- March 6. **396.** Lt. Governor Spotswood to the Council of Trade and Virginia. Plantations. *Refers to letter of 16th Jan. etc. and transmits remaining laws and Journals of last Session of Assembly. Continues:—The inconvenient length of many of the countys formerly erected, occasioned by the peoples taking up and seating new lands on the frontiers, obliges me to recommend to the Assembly the easing those inhabitants from the excessive fatigue of travelling so great a distance to their monthly Courts. And in order to remedy that inconvenience, here are (besides the County of Brunswick and Spotsylvania mentioned in my former letter) two new countys erected, one by the Act for dividing New Kent County, and the other by the Act for dividing Richmond County, the preambles of which Acts sufficiently setting forth the reason thereof, need no further comment. The same inconveniency has occasion'd the passing the three following laws viz., for dividing St. John's parish, etc., (ii) for dividing the parish of Henrico, and (iii) the parishes of Westover and Wyanoak, etc. To which may be added the Act for enlarging Charles City Council, and consolidating the parishes of Westover and Wyanoak with Wallingford parish. Upon these I shall only trouble your Lordships with this observation, that at the first securing of this country, the people being in fear of the Indians fixd themselves along the banks of the rivers, not daring to venture out into the woods, and when a competent number of inhabitants were thus seated, they divided their parishes by such a distance along the River and built their churches, to suit the conveniency of the then inhabitants, but as the Indians decreased and the English grew more numerous these parishes have been enlarged to an unreasonable length by the yearly addition of new inhabitants backwards into the woods, and so they have continued to this time that it has been found absolutely necessary to erect new parishes and to new modell some others so as to render it more easy both for the Ministers to do their duty and for the people to attend the publick worship: and this being the true motive for making the Laws abovementioned I doubt not they will meet with your Lordsp's. approbation. The Act for the more effectual preventing the tending of seconds, is very necessary to restrain a dangerous abuse, which*

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has proved extremely prejudicial to the tobacco trade. What is here called seconds, is the scions or suckers wh. sprout out from the stalk of tobacco after the plant is cut off, and being tended and cultivated in the same manner as the first plant, grow up to a leaf almost as large as the other, tho' far inferiour in goodness and scent, but some of the planters finding they could pass this kind of tobacco, have applyed themselves to the making thereof, tho' it has been prohibited by divers laws, and has not a little contributed to the lessning the value of the good tobacco. And therefore this law is enacted laying a severer penalty upon that offence, which 'tis hoped may be a means of keeping up the reputation and value of that commodity by which alone this country subsists. I need not trouble your Lordships with any remarks on the Act for explaining and amending an Act for appointing rowling houses and publick landings and ascertaining the prices of storage seeing the whole scope of that law is to render such rowling houses (which are appointed for receiving tobacco and other merchandize) more convenient for trade. The Act for supply of certain defects found in an Act prescribing the method for appointing Sherifs has been formerly under your Lordships' consideration in an Act passed of the same title in 1710, which being a temporary Act was since twice re-enacted: and therefore I should according to H.M. Instructions have refused this Act as being again made temporary, had not there been a material alteration therein in the penalty on such as refuse that Office, which before was 5000 pounds of tobacco and is now reduced to three: and besides I was unwilling to have any difference with the Assembly on this point, because there is a necessity for obliging persons to accept those offices, without which there would be a failure of justice in many parts of the Colony. The Act for settling new ferrys over Pamunkey Mattaponi and Potomack Rivers, and for ascertaining the rates of ferriage for wheel carriages, being only designed for the greater ease and conveniency as well of trade as of travelling, has nothing in it which I can apprehend will be disagreeable to your Lordships. An Act having been passed some years ago for lessning the reward for killing of wolves, experience has shewn how much the Assembly was then mistaken: for since then, many who employ'd themselves in killing of wolves upon the former encouragement not finding it worth their while, those noxious animals have proved very destructive to the peoples stocks, especially on the frontiers: and therefore it was, that this Assembly have now pass'd an Act giving a reward for killing of woolves and repealing all other Acts relating thereto, by which the ancient encouragements are restored, and 'tis hoped, will have the desired effect. Here is also an Act passed to impower Henry Cary gent. to finish the house of the Governor of the Colony and Dominion of Virginia: This Act was pass'd at my desire and because I would leave no ground for

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any future disputes with the Assembly about the power they had given me by law for finishing that building. I shall only further observe that notwithstanding the House of Burgesses in 1718, made it one Article of their charge against me, that I had squandered away the Countrey's money in building that House, this last House of Burgesses have without the least hesitation pass'd all my accounts and by this Act appropriated a further sum of one hundred pounds, which they found still necessary towards the finishing that building. The Act *for raising a publick levy* being what passes of course in every Session, needs no other remark than this, that it will appear the publick taxes of this countrey are moderate enough when the levy for two years and an half past appears to be no more than $5\frac{1}{2}$ pounds of tobacco per poll. The last is a private Act *to enable Abraham Cocke to sell certain entailed lands etc.* The general proviso directed by H.M. Instructions in bills of the like nature being inserted herein I know of no exception to this Act. And having given notice to the partys concerned to appoint some persons to attend your Lordsp's. to answer any doubts which may arise relating thereto, I doubt not they will therein conform to your Lordsp's. directions. There were two other bills prepared and passed the Council and Burgesses this Session to which I did not think proper to give my assent, the one entituled an Act *for building a Church in the parish of Accomack*, and the other entituled an Act *to explain and amend part of an Act for regulating the election of Burgesses and for settling their priviledges, and for ascertaining their allowances.* As to the first of these, it was grounded upon a private petition from some of the inhabitants of that parish, without allowing the persons likely to be aggrieved an opportunity to be heard; for that part of the Colony being separated from the rest by the great Bay of Chesapeak and the people there knowing nothing of what was transacting in the Assembly, I thought it just they should not be concluded by an Act of Assembly without an enquiry into the merits of the case. And so that bill stands, as it were referr'd till another Session with which all partys are well enough contented. As to the other bill I judge it of so much consequence that I herewith transmitt to your Lordsp's. a copy thereof. My exceptions thereto are chiefly these. That seeing by this Act the Electors are to make oath to their freehold if required at taking the poll, and such as take a false oath are made liable to a penalty, it is unreasonable that those who have then qualifyed themselves should have their votes questioned before the House of Burgesses upon any disputed election, at least untill they are convicted by due course of Law, of having voted when they held no right; but it being proposed to add such a restrictive clause to this bill, it was rejected, because it was said that the Burgesses were not to be directed by law in determining the election of their own Members,

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a doctrine I can by no means approve of, since I have this very session seen a flagrant instance of the abuse of their power in the case of a disputed election, where divers freeholders were compelled to produce the deeds and evidences by which they held their lands, and thereupon declared to have no right to give a vote in the election of Burgesses. This, I argued, was exercising a power which that House had no authority to do, it being in effect, forcing a man to accuse himself of a crime for whch. he is punishable by law, and a taking upon themselves a power of judicature in matters of freehold which are only cognizable in the established Courts of Justice : And seeing I percieved by their rejecting this clause of the bill, the Assembly were inclined to leave themselves at large in what they should think fitt to call their priviledges, and that on this occasion it was asserted that the priviledges of the House were not to be limited nor defined, I did not think fitt to assent to this bill, without some provision to secure the rights and libertys of ye people. As this matter of the priviledges of the House of Burgesses may often administer occasion of disputes between them and a Governor, whenever designing men find it for their purpose to inspire them with thoughts of enlarging their power, I could wish your Lordspes. would be pleased to move H.M. to ascertain what rights and priviledges are to be allowed in that House, that a Governor may not transgress in abridging what is really their due, nor they assume what they ought not to exercise. And here I must further take notice to your Lordspes. of another extraordinary proceeding of the last House of Burgesses, of which there are two instances to be found in their Journal, one on the 8th of November, in the case of a petition of John Bolling complaining of the undue election of Thos. Randolph, where the Speaker of the House is desired to issue his warrant, and he of his own head issued this warrant, commanding the Sherif of the County to execute that order. In the same days Journal, the Committee of Elections propose his issuing his warrant to the Sheriffs of three Countys to summon witnesses to give evidence before Commissioners appointed in the country : and another instance of the like nature is in the Journal of the 11th of the same month on a petition of Charles Grymes complaining of an undue election in Richmond County. This is a practice entirely new, the Messenger of the House being the proper officer to execute their orders ; and I am humbly of opinion that the allowing the Burgesses to order and direct any of the King's Officers to do what they are not bound to by law may prove of dangerous consequence, since by the same rule that they have now directed the Sheriffs to summon witnesses and the Justices to take depositions, they may of their own authority command the Sheriffs to raise the posse, or assume a power over the Militia. There is no doubt the House of Commons in England may call before them the Generall of

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H.M. armys, but I cannot think they would take upon them to order him to march the army: And tho' I do allow that the House of Burgesses as the Representatives of the people here have power to call before them such persons as they think fitt, yet I cannot admitt there having any such authority as to direct anyone in the execution of his Office. This I urged to most of the Members of the House of Burgesses, who did not then pretend to justify the practice, tho' I am apt to think they will make the proceedings of this House a precedent hereafter, seeing in the determination of one of these disputed elections, they had the same regard to the depositions taken in this irregular manner, as if the persons had been duly examined before their Committee. And therefore I am the more desirous of having your Lordsp's. opinion hereon, that I may govern myself thereby, if the like attempt should be made in future Assemblys, having at this time pass'd it over without any publick opposition, because I would avoid all controversy, tho' I could not but be concern'd to see so much trouble given both to the officers and the people by obliging some of them to travell upwds. of 100 mile without any recompence, when in two of the above-mentioned cases the petitions were judged vexatious and scandalous, and in the other the Justices were obliged to sitt from the 16th to the 23rd of November to take the examinations of upwards of 50 witnesses, many of whom ought not to have been sworn at all, being the sitting Member's own domesticks, and the points on which they were examined touching his private conversation with his friends and in his own family. Your Lordsp's. will find in the Journals of the 21st of December a resolve pass'd the Council and Burgesses for lodging a sum out of the publick money in the hands of the Speaker for payment of the Burgesses's salarys. To which I refused my assent, because by my Instructions I am directed not to suffer any publick money to be issued out but by warrant under my hand, and here the particular sum to be paid was not ascertained but left to the discretion of the Speaker what he thought fitt to demand under two thousand pounds; and because many of the Members of that House apprehensive of his partiality to those who opposed his measures were very earnest with me not to leave it in his power to postpone the payment of their salarys: And I have according to the first vote of the House on the 12th of November, now issued warrants for the payment of every particular Burgess according to their attendance, the whole charge amounting to £1905 11s. This manner of paying the Burgesses allowances out of the publick treasure of the countrey, when the same ought by law to be paid by the countys for which they serve, is new, and such as I should not have agreed to, had I not resolved to avoid anything that was likely to chagrine them, it being what the greater part of the House had very much set their heart on, and I perceived too that it was

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acceptable to the people as easing them of some of their levys. The advantages of a lighthouse on Cape Henry for the benefite of the trade to this and the neighbouring Province of Maryland, are so obvious, that I have often wondered why so usefull a work has not been undertaken long ere now; and having had occasion to discourse the matter with some Gentlemen of note in Maryland, and finding that Province would be willing to contribute to the charge, I communicated the same by a message to the House of Burgesses on the 24th of November and on the 7th Dec. recd. their answer, wherein acknowledging the usefulness of such a lighthouse, they have resolved that one be built at the expense of this Colony, provided the Province of Maryland will contribute £150 towards the building and £80 sterling for ever hereafter towards defraying the charge of maintaining and keeping it in repair, and I have since at their desire transmitted their resolutions to the Governor of Maryland, but because the charge of such a lighthouse must be defrayed by a duty on shiping and consequently must more immediately affect the trade and shipping of Great Britain, I therefore pray your Lordsp's. directions therein, seeing I am by my Instructions restrained from passing any law of this nature without H.M. leave; and I am informed likewise that such lighthouses are not erected without the approbation of the Members of the Trinity house. If your Lordsp's. therefore think fitt to enquire into the expediency of this work I believe there are few masters of ships using this trade, but what will readily agree that such a lighthouse will prove of extraordinary benefite to the Trade; and I shall only add what I have been told here, that divers ships coming in soundings upon this coast in the night or in hazie weather, tho' they had then a fair wind have been afraid to venture in where they could see no landmark and by the sudden change of the wind, have been drove off to sea, and kept out 2 or 3 months, whereas if such a lighthouse were built ships might then boldly venture there being water enough and a good channell within little more than musquett shott of the place where this lighthouse may be placed. I shall pass over without any reflection, sundry extraordinary proceedings, which may be found upon the Burgesses Journal this Assembly such as the voting of one thing one day and altering it 3 days afterward by another resolve as may be observed in the Journal of the 17th and 20th of December in the case of a reward given to Capt. Martin and the persons that accompanied him to St. Augustin; the desiring the Council to join with them in preparing their bills and in fraiming their Addresses to H.M., and some other lesser irregularitrys in their proceeding's which your Lordsp's. will easily observe by perusing the Journal. Having in my last informed your Lordsp's. of some difference between me and the Assembly about their appointment of an Agent, I beg leave to refer your Lordships to the proceedings of the

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14th of December for the manner of introducing that resolve of theirs, and the division of the House thereupon, by wch. it will appear that it pass'd with more opposition than any other matter this session: and when your Lordsp's. are inform'd that this resolve was brought in and voted in the absence of divers members of the House who would have opposed it, and consider likewise what I laid before the House of Burgesses the 23rd of December on that head, I hope your Lordsp's. will be of opinion that I had no great inducement to assent to a matter which was contrary to the sentiments of the majority of the House, as well as contradictory to the repeated declarations of the Crown in relation to the appointment of part[icular?] Agents by the Generall Assemblys of these Plantations: and indeed when [I] found Mr. Byrd positively deny so much as to give me his bond (which [?I] purposed to keep secret) that he would solicit nothing but what should [be] handed to him by the mutual consent of the Governor Council and Burgesses, I thought I had reason to apprehend he was not so desirous of this publick character for the service and interest of his country as for some other private views which perhaps neither of the partys from whom he derived his [office?] would be willing to come into: and I'm sure I shall always [*have such?*] regard for your Lordsp's. ease as not to encrease your trouble by the un[?necessary] memorials of private Agents, when I am very sensible that the representations of the affairs of this Government which I am obliged to make to your Lordsp's. must employ a good deal of your time, and I am confident will always have their due weight if judg'd to be for H.M. service and the publick welfare of this Colony: and if they are not I can see no reason why your Lordsp's. should be vex'd with impertinent solicitations about them. Having at the opening of this Session laid before the Assembly that part of your Lordsp's. letter of the 14th of June which relates to renewing the Covenant Chain with the Indians of the Five Nations, your Lordships will find in the Burgesses Journal of the 21st of December the sentiments of the Council and Burgesses, that no such Treaty should be moved untill those Nations or the Government of New York in their behalf have agreed to the preliminaries offered to them in the year 1717, and I have transmitted to Mr. Burnett a copy of the Assembly's Address and expect his answer thereto in a short time, and I hope the publick declaration which the Assembly has now made with respect to those Indians will serve to reconcile my letter to your Lordsp's. of the 16th of August, 1718, with that to Collo. Schuyler the 25th of January 1719. In the first I spoke my own sentiments, and what I wish'd to have done, and in the last what I knew to be the general humour of the people here, who will never be persuaded that it's worth while to be at the expence of treating with these Indians without some better security than the bare promises of some of their

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Sachims. *Signed*, A. Spotswood. *Endorsed*, Recd. 8th May, 1721, Read 12th June, 1722. 10 pp. *Enclosed*,

396. i. Bill, passed by the Council and Assembly, but not assented to by the Lt. Governor, Dec. 1720, to *explain and amend part of an Act for regulating the election of Burgesses and for settling their priviledges and for ascertaining their allowances*. *Endorsed as preceding*. Copy. 3 pp. [C.O. 5, 1319. Nos. 14, 14. i.]

March 7. 397. Petition of Johan Schef to the Council of Trade and Plantations. Petitioner designing by the first ship to return into New York, prays for copy of order of the Board upon his petition in Nov. last etc. *Signed*, Johan Wilm. Schef. *Endorsed*, Recd. Read 7th March, 1721. 1 p. [C.O. 5, 1052. ff. 151, 152v.]

March 8. 398. Mr. Popple to William Scheef. I am commanded by the Lords Commissioners to send you the enclosed letter to Governor Burnet, which is to desire his answer to a letter I wrote to him 29th Nov. last (*quoted*). *Concludes*: As it is upon these terms [*of conforming themselves to the Governor's orders*] that the Palatines at New York (whose cause you have been solliciting here) will be entitled to H.M. favour, you will do well to acquaint them therewith etc. [C.O. 5, 1124. pp. 252, 253.]

March 8. 399. Mr. Popple to Governor Burnet. The Lords Commissioners remind you of my letter of 29th Nov. etc. It is not that they think you could have made a return by this time; but as William Scheef, one of the Palatines, is now returning to New York their Lordships thought fit to direct me to repeat their desire of having those poor people settled as soon as conveniently you can. [C.O. 5, 1124. pp. 254, 255.]

March 9. 400. Mr. Popple to Mr. Burchett. In reply to Feb. 20th, encloses following.

400. i. Heads of Enquiry and Scheme of Fishery for the Commander in Chief of the Newfoundland Convoy. *Same as April 6th, 1720 q.v.* [C.O. 195, 7. pp. 40-75, 94.]

March 9. 401. Governor Burnet to the Council of Trade and Plantations. *Announces* death of Caleb Heathcote, Surveyor General of the Customs etc., on 27th Feb., and *recommends* Lewis Morris junr., to fill his room in the Council etc. P.S.—I have just received news from Albany that the trade with the French is quite broke, and that as the severity of the act quite discourages the traders from attempting it, they are willing at their own charge to begin a trade through our 5 nations means with the far

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Indians, and are going to be at charge and risk for that purpose, even before a regular settlement is made as proposed, which news gives me great satisfaction, and is a beginning to a better faze of affairs that way that has ever yet been known, and of the greatest consequence to the welfare and prosperitee at all the British plantations the suddenness of the opportunity hinders my being so full as I should be etc. *Signed*, W. Burnet. *Holograph*. *Endorsed*, Reed. Read 2nd May, 1721. 3 pp. [C.O. 5, 1052. ff. 155-156v.]

March 10.
Whitehall.

402. Mr. Popple to Robert Lowther. The Council of Trade and Plantations, having under consideration several Acts of Barbados, desire you will let them have in writing as soon as conveniently you can, what occasion there was, and what reasons you had for passing the Act *for the better ordering of H.M. Courts of Common Pleas etc.* [C.O. 29, 14. p. 94.]

March 10.
London.

403. Mr. Bridger to the Council of Trade and Plantations. Describes his services, as late Surveyor, the daily destruction of H.M. woods in America, and the need of measures to prevent it, etc. A mast tree of 37 in. diameter costs H.M. £150 etc. Applies for $2\frac{1}{2}$ years salary for duty done before any appeared to supersede him etc. *Signed*, J. Bridger. *Endorsed*, Reed. 10th March, Read 5th Sept. 1721. $7\frac{3}{4}$ pp. [C.O. 5, 868. ff. 106-109v., 110v.]

March 13.
Whitehall.

404. Council of Trade and Plantations to the King. Propose Archibald Mackphedris, Nicholas Gillman and Peter Ware for the Council of New Hampshire as suggested by Gov. Shute, etc. 19th Aug., 1719. [C.O. 5, 915. p. 319.]

March 14.
Whitehall.

405. Same to Lord Townshend. *Reply to April 24th*, enclosing extract of letter from Capt. Purvis relating to French settlement upon the Island of St. Jean etc. We have discoursed with Capt. Purvis thereupon. We have likewise confirmation of this advice in some letters lately received from Governor Philipps; And we are of opinion that the growing strength of the French settlements in those parts may prove of dangerous consequence upon any rupture more especially considering the very weak state of that Colony, the disposition of the French inhabitants in Nova Scotia, and the influence their prie(s)ts have over the native Indians there; which has lately appear'd in a very flagrant instance upon the plundering of H.M. subjects at Canço, for which reason we would humbly submit to H.M. consideration the urgent necessity of sending a force to those parts sufficient to protect his subjects there etc. *Refer to Representations of 30th Aug. and 14th Dec. past. Continue:* But as to the Island in question, we really apprehend that according to the letter and meaning of the 13th Article of the

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Treaty of Utrecht, the same does belong to the French being one of the Islands lying in the Gulf of St. Lawrence. But on the other hand, considering the difficulty the French have hitherto made of settling boundaries in those parts, and the frivolous pretensions they are every day starting to deprive H.M. of those lands and islands part of Nova Scotia, which do plainly and evidently belong to H.M., we submit to your Lordp. how far it may be adviseable to dispute this settlement with the French on the general words in the 12th Article of the Treaty of Utrecht, whereby all lands and islands depending upon Nova Scotia are yeilded up to the Crown of Great Britain for altho' Cape Breton and all Islands lying in the mouth of the River of St. Lawrence or in ye Gulf of the same name are reserv'd to the French by ye 13th Article of the said Treaty yet this Island of St. Jean's by reason of its lying so near to the shore might still be sayd to belong to Nova Scotia, and there is no doubt but the French upon a weaker pretence would insist upon their right to this or any other Island. [C.O. 218, 2. pp. 1-4.]

March 14. **406.** Mr. Popple to Mr. Carkesse. Encloses Act of Barbados, 1718, *granting liberty to load and unload to and from any the bays creeks and harbours*, and enquires whether the Commissioners of Customs have any objection etc. [C.O. 29, 14. p. 95.]

[**March 16]** **407.** James Smith to the Council of Trade and Plantations. States his case against the Acts of New Jersey complained of 6th May q.v. *Endorsed, Reed.* Read 16th March, 17 $\frac{2}{3}$. 2 pp. [C.O. 5, 971. No. 88.]

March 16. **408.** Charles Hart to [?Lord Carteret]. *Congratulations upon his return to England etc.* after having finished his Embassy (*to Sweden*). *Prays him*, as Lord Palatine, to put an end to the confusion in Carolina, and obtain him a post in some part of the world, etc. *Continues:* We are told that by the interest of Mr. Secretary Craggs, one Mr. Lloyde Postmaster of this district, and one of Col. Moor's Councill is to succeed me as Secretary" etc. I humbly beg to know what I must do with the records etc. My wants are very pressing, having been kept above a year out of the profitts of my place etc. *Signed,* Charles Hart. 3 pp. [C.O. 5, 387. No. 22.]

March 16. **409.** Lord Carteret to Samuel Cox. Nothing contained in H.M. letter of license to Mr. Huggins (v. March 6th) is to be interpreted to the prejudice of Mr. Whitworth in the contest at law depending between them as to the right to the office of Naval Officer of Barbados etc. *Signed,* Carteret. [C.O. 324, 34. pp. 49, 50.]

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March 16. **410.** Governor Lowther to Mr. Popple. Asks for copy of Act for better ordering the Court of Common Pleas etc. (v. 15th inst.) Signed, Rob. Lowther. Endorsed, Reed. Read 16th March, 1721. Holograph. 1 p. [C.O. 28, 17. ff. 27, 28v.]

March 17. **411.** Council of Trade and Plantations to Governor Shute. Whitehall.

Acknowledge letters from 19th Aug., 1719, and refer to their own of 4th June, 1719. Continue: We are glad to hear that the Indians are quiet, and we do not doubt but that you will continue your utmost care and diligence to preserve a friendship with the native Indians, and the best way of doing this is to keep a good correspondence with the neighbouring Governors and to make the said Indians on all occasions comprehend that altho' H.M. has different Govts. on the Continent yet all the inhabitants are his subjects united in one common interest, nor will you forget to prevent as much as possible their being influenced by the French Missionarys. We represented what you formerly wrote in relation to the British captives at Canada and as we are inform'd upon application to the French Court thereupon orders were sent to the Governor of Canada for their release. As to what you write 26th Oct. 1719, we know nothing of what has pass'd between the Lords Justices and Mr. Dummer upon any matters relating to the Act of impost, nor do we remember to have discours'd with Mr. Dummer thereupon. You say that you have sent all the papers relating to the dispute at Canso to Mr. Dummer, those papers never came to our hands and we must desire that for the future all papers which you design for our information may be sent directly to us. You say, 7th Dec. 1719, that "the Paper bills daily sink in their value" etc., which we desire you will explain in your next and hope to hear from you at the same time what remedies you wou'd propose for the mischief occasion'd by the discredit on the said bills. We commend your diligence in relation to Capt. Scots bond, we doubt not but all offences of the same nature will be prosecuted by you in the most effectual manner and that you will take particular care to be informed by the proper officers of the numbers of Englishmen that come yearly from Newfoundland to New England and in what ships that you may send us an account thereof by the first opportunity, this being a practice very disadvantageous to Great Britain. We approve of what you have done in putting a negative upon Elisha Cook chosen Speaker by your Assembly, and for your information herein we send you inclosed the opinion of Sr. Robt. Raymond H.M. Attorney Generall which will be a guide to you in all future cases of the like nature, and which you are to signify to the Council and Assembly. We shall send you our opinion by another opportunity concerning what you write, 17th Feb., 1720, in relation to your 73rd Instruction about printing.

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Your care and diligence in endeavouring to preserve H.M. woods is very commendable, and what you write about the exportation of timber to Spain will be taken into due consideration. [C.O. 5, 915. pp. 320-322.]

March 18. **412.** Mr. Popple to Governor Shute. The Council of Trade and Plantations have considered what you write, 19th Aug. 1719, in relation to the vacancies in the Council of New Hampshire; you say there are four vacancies but do not acquaint their Lordships by whose death or absence the fourth vacancy is occasion'd, so that they can only at present recommend three, but upon this occasion I am to acquaint you that unless there be some person or persons appointed to pay the fees in the Council and Secretarys Offices (and I know of none such) it cannot be expected that the proper warrants for the admission of any person will be sent over to you that you may know how the Councillors stand in our books I send you the inclos'd list. P.S.—Since the writing of this their Lordships have recommended as March 13th. [C.O. 5, 915. p. 323.]

March 21. **413.** Mr. Moore to [?Mr. Secretary Craggs]. The dayly expectation we are in of the arrivall of Governor Nicholson prevents all publick business. Capt. Hildesley (v. 2nd Feb.) has beene very neare occasioning a great deale of bloodshed he has taken Commission from Col. Johnson to be Col. of the Regiment in Berkeley County. They are continually contriving and plotting of mischeif Hildesley especially but thank God it never comes to anything. I am quite tired of publick business. The Govrs. speedy arrivall is prayed for by the whole Province. *Signed, Ja. Moore. Subjoined,*

- 413. i. Return of Inhabitants who pay tax in South Carolina, 14th March, 1720.
By parishes. *Totals* :—Acres, 1,163,239 $\frac{1}{4}$. *Inhabitants*, 1305. Slaves, 11,828.
- 413. ii. Exports from Charles Town, 1st Jan.—2nd May, 1721.
Rice, to Great Britain, 13,479 lb.; to the Plantations, 2733 lb.
Pitch, to Great Britain, 6,747 lb.; to the Plantations, 1,450 lb.
Tar, to Great Britain, 4,269 lb.; to the Plantations, 1,292 lb.
The whole, 1 p. [C.O. 5, 387. No. 23.]

March 21. **414.** Council of Trade and Plantations to the King. Recommend Anthony Swymmer for the Council of Jamaica in place of Francis Rose deceased. [C.O. 138, 16. pp. 282, 283.]

March 21. **415.** Council of Trade and Plantations to Governor Burnet. Enclose memorials from James Smith, Secretary, who has been

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a great sufferer by some acts passed in New Jersey, and desire him to move the Assembly to re-establish the fees of his offices, or to find out some equivalent to prevent his suffering for the faults of his predecessor. "For we are inform'd by Brigadr. Hunter that these laws were design'd as a punishment to the then Secretary, who had been guilty of notorious crimes, and that the Judges of the Supreme Court had represented to him that the Act for shortning law suits etc. was entirely destructive to their jurisdiction" etc. If the Assembly do not comply, desire a state of the case and account of the fees, that proper measures for his relief may be taken here. *Set out*, N. J. Archives 1st Ser. V. 4. [C.O. 5, 996. pp. 102-104.]

March 22. **416.** Mr. Stanhope, Secretary to the Treasury, to Mr. Popple. *Encloses* following, for the opinion of the Council of Trade and Plantations thereupon. *Signed*, C. Stanhope. *Endorsed*, Recd. 23rd, Read 28th March, 1721. *Addressed*.

1 p. *Enclosed*,

416. i. Case of Owners of the *Calabar-Merchant*, of Bristol.

Bound from Bristol to Guinea to purchase negroes and transport them to Virginia, this ship was plundered by pirates under one England, near old Calabar on 11th Dec., 1719. After beating and abusing the master and his men, and keeping them prisoners for 9 weeks, the pirates gave them back their ship with 21 negroes as a satisfaction for the damage done, amounting to at least £1200. On arriving at Virginia, the Master, Kennedy, acquainted Lt. Governor Spotswood thereof, who seized the negroes for H.M. use, and only allowed £126 for the same, which is not one fourth of the value etc. *Copy*. 1 $\frac{3}{4}$ pp.

416. ii. Petition of *Same* to the Lords Commrs. of the Treasury. *Pray for* an order to Lt. Governor Spotswood to deliver them the negroes, or satisfaction for them etc. *Signed*, Fra. Stevens, Abell Grant, Tho. Melton, Sam. Allen, Sam. Fry. *Copy*. $\frac{3}{4}$ p. [C.O. 5, 1319. Nos. 4, 4. i, ii.]

March 22. **417.** Lord Carteret to the Council of Trade and Plantations. *Whitehall. Encloses* following for their report thereupon. *Signed*, Carteret. *Endorsed*, Recd. 22nd March, Read 4th May, 1721. 1 p. *Enclosed*,

417. i. Address of the Council and Burgesses of Virginia to the King. Having deliberated how to extend your Empire in these parts and secure our present settlements from the incursions of the savage Indians and from the more dangerous encroachments of the neighbouring French, we beg leave to lay before your Majestie the present situation of this Colony etc. To

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the westward of Virginia about forty miles distant from some of our remotest settlements there runs a ridge of exceeding high mountains which extend all along the back of this and the next Province of Carolina and must certainly prove an extraordinary safeguard to these Colonys, whenever our plantations shall reach so far as to get possession of the passes, which appear to be no more than two. On the other hand in case the French who are carrying on dangerous projects not very far beyond these mountains, should be beforehand with your Majestie's subjects and possess these passes, that Nation would then not only secure their communication betwixt the Rivers St. Lawrence and Mississipi, but would be in a condition by keeping the key of this barrier to annoy your Majesties subjects on this side whenever they think fit. This apprehension awakens us to give all encouragement suitable to our poor abilities, for the speedy seating that tract of land which lies untaken up between our present settlements and those two passes. For that end we have now created two new countys, the one on Rappahanock River leading up to the Northern pass, and the other on Roanoake leading to that on the South. To encourage people to go up and seat these two counties we have exempted the inhabitants thereof from publick taxes for the space of ten yeares. We have agreed to build them Churches and Court-houses and to furnish them with armes and ammunition at the publick charge. But what would be a greater inducement *etc.* would be your Royal favour of remitting all the quitt-rents of those two counties for ten yeares and exempting the takers up of land from the five shillings which they are by the Order of this Government obliged to pay for every fifty acres of land that they enter for; And this bounty we are the more encouraged to beg because we are fully perswaded that in a few years it will prove a considerable augmentation of your Majesty's Revenue here. And to render the proposed barrier more defensable *etc.* we humbly beg your Majestie will be graciously pleased to give directions for building a fort at each of the passes out of your revenue of quitt rents *etc.* and for sending over two companys of 50 men each in your Majesties pay to serve as a garison for those forts *etc.* under the orders of your Majesties Governour and Council here *etc.* Our Lt. Governour Col. Spotswood will be pleased to intercede in our favour, who has spar'd no fatigue or expense to visit our mountains in person, and to inform himself of the exceeding

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importance of them, both for your Majesties service and for the defence and security of this Dominion.

1720. *Signed*, by the Council (10) and Assembly (42). 1 large p. [C.O. 5, 1319. Nos. 10, 10. i.]

March 22. 418. Mr. Popple to Mr. West. Encloses, for his opinion Whitehall. in point of law, Acts of Virginia (i) *For erecting the Counties of Spotsylvania and Brunswick, and granting certain exemptions and benefits to the inhabitants thereof.* (ii) *For the better discovery and securing of H.M. quitrents.* (iii) *Explaining what shall be accounted a sufficient seating of lands, and for the better recovery of lands lapsed from persons living out of the country etc.* [C.O. 5, 1365. p. 225.]

March 23. 419. Mr. Whitworth to Mr. Chetwynd. Encloses following and complains of Mr. Cox's infringements upon his Offices of Secretary of Barbados, Secretary to the Governor, Secretary to the Governor and Council or Council in absence of Governor, granted to him by letters patent, 11th March, 1719. "Mr. Cox demands all the profits and lays the whole charge and trouble on my office. I pray you will be so good to move their Lordships to interpose" etc. *Signed*, Fra. Whitworth. *Endorsed*, Reed. (from Mr. Chetwynd by Mr. Ashe). Read 28th March, 1721. 3½ pp. *Enclosed*,

419. i. Extracts of letters from John Lenoir, Depty. Secretary of Barbados, to Fra. Whitworth. 15th and 24th Jan.

1721. (a) The Council being adjourned to the 8th instant, came in a sloop from London with several determinations of the Lords Justices in favour of the complainants against Mr. Lowther, which orders were all read in Council and copies ordered to be published in all the parish churches, and the next step was suspending Mr. Frere (who he admitted to be sworn of H.M. Council at his first sitting) contrary to the opinion of all the Council, and contrary to the Act *for preserving the peace and tranquillity of this Island*, and in less than a month all the officers of the Militia were displaced except Coll. Yeamans. The Assembly are not yet dissolved but interest is making by the Court parties for votes, and its thought they are only continued till an affair of Coll. Peers's now before the Committee of publick accounts is determined, because were they dissolved there could not be a Committee etc. (b) The 17th the Council sat, and the President suspended *six Councillors* (v. 25th March.) *Continues*: It is remarkable that altho' Mr. Colliton, and Mr. Lightfoot were both of the same opinion with the Gentlemen suspended that Mr. Frere should take upon him the administration of this Government in

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Mr. Lowther's absence, and Mr. Colliton on 5th Aug. was fully of opinion that he could not then resign it to Mr. Cox yet they are both continued in their places at the Board. I was turned out of the Masters in Chancery's place the 18th inst. only because the President did not think fit to let me remain in it, and without any fault laid to my charge. The President employs one Mr. Palmer as his private Secretary, and 14th Jan. himself told me that he should insist upon having the fees for the Great Seal, and for his Seal at armes, as allso for all deeds and powers of Attorneys proved before him, and for all Registers. I have cautioned Mr. Palmer not to receive any fees as private Secretary for that the President has no right to give away any fees that I know of etc. he said if any gentleman gave him money he should not refuse it, by this I suppose he means what may be given to him for the Commissions for the Militia they having been deliver'd by him (as I am told) tho' the trouble and charge of writing them has lain upon us, having been expressly commanded to prepare them by the President etc. $3\frac{1}{2}$ pp. [C.O. 28, 17. ff. 63, 64v., 65v.]

March 25. 420. Office expenses of the Board of Trade, Dec. 25th, 1720
—March 25, 1721. v. Journal of Council. [C.O. 388, 77.
Nos. 100–102.]

[March 25] **421.** Merchants and planters concerned in Barbados to the Council of Trade and Plantations. Pray to be heard on behalf of the 7 suspended Councillors of Barbados, and to have a copy of Mr. Cox's reasons etc. *Signed*, Joseph Eyles, John Royle, E. Newport, Edward Byam, C. Lascelles, Jno. Cotton. *Endorsed*, Reed. Read 25th March, 1721. 1 p. [C.O. 28, 17. ff. 45, 46v.]

March 25. 422. Lord Carteret to the Council of Trade and Plantations. Whitehall. The inclos'd petitions having been presented to the King etc., you are to report your opinion what H.M. may most fitly do thereupon. *Signed*, Carteret. *Endorsed*, Reed. 27th, Read 28th March, 1721. $\frac{1}{2}$ p. *Enclosed*,

422. i. Petition of Thos. Maxwell, Thos. Maycock, Guy Ball, John Lucy Blackman, William Carter, Francis Bond, and John Colleton, members of Council in Barbados, to the King. The Honble Saml. Cox, President of the Councill, hath conceived a displeasure against petitioners and intends to suspend them etc. He has already suspended John Frere, contrary to the advice and without the consent of the Board, and hath turn'd

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out eight of the nine Collonels of the Regiments in this Island without the advice of ye Councill, and hath refused contrary to ye advice of ye Councill (wch. he thought fit to demand) to issue the Commissions necessary for holding the Court of Grand Sessions (which ought to have been held on the second Tuesday of this instant December) whereby great numbers of prisoners, and some of them accused of capitall crimes, remain untryed; and the said President threatens to turn out all the judges of the several Courts of Justice and to make a generall change of all the offices civil and military etc. The said proceedings tend to the great disturbance of the peace and tranquility of this Collony. *Pray H.M. to direct that they be not suspended till H.M. pleasure be known etc.* *Signed by above.* Dec. 30th, 1720. 1 p.

422. ii. Petition of Thomas Maxwell, Thomas Maycock, Guy Ball, John Lucie Blackman, William Carter, and Francis Bond to the King. As apprehended in preceding, the President on the 17th inst. suspended petitioners from the Council upon several pretences, and has already made many changes of the officers civil and military etc. These changes have notoriously been in favour of certain persons ever justly suspected of disaffection to your Majties person and Government and to ye succession of your Royal house and who sufficiently discovered that disaffection during the short presidentshipp of Mr. Sharpe in the late reign etc. We cannot express the discontents occasioned by those changes. *Pray for H.M. orders etc.* *Signed as above.* Jan. 20th, 1720 (1). 1 p. [C.O. 28, 17. ff. 51-52v., 53-55, 56v.]

March 25. 423. Lord Carteret to the Council of Trade and Plantations.

Whitehall. Encloses following for their opinion etc. *Signed*, Carteret. *Endorsed*, Recd. 25th, Read 28th March, 1721. 1 p. *Enclosed*,

423. i. Merchants trading to Barbados to Lord Irwin, Governor of Barbados. March 23, 1720 (1). Request him to present following to the King. *Signed*, Michajah Perry, Rob. Heysham and 20 others. 1 p.

423. ii. Address of the Assembly of Barbados to the King. *Congratulate H.M.'s safe and honourable return to Great Britain etc.* *Continue:* From a Government of the greatest tranquillity and satisfaction to the subjects (except to a restless few whose greatest ambition is change) we are become the most uneasy, and, (without the Royall interposition) the most unhappy of your Majties. subjects etc. The causes of our misfortunes may be all reduced to one, the changes made, and threaten'd to be made by our

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President, Samuell Cox, whose attachment to a few threatens our ruine—a few, who in all the Governments since the late happy Revolution were and still are reputed a seditious restless party, and as such were censured in the respective Governments (except that of Sir Bevill Granville, and the late short Presidentship of Mr. Sharp) as enemy's to our happy Constitution, and disturbers of the peace and tranquillity of our country. Planters fear the peace and happiness they have enjoyed is at an end when they see persons who lately were of no other distinction among us than that of the French traders, now put into offices and places of trust, those of the best fortunes and remarkably distinguisht for their zeal to the Hanover succession and Protestant interest displaced; and a gentleman of the best fortune and unspotted reputation suspended the Councill etc. *as preceding*. Passed the Assembly nem. con. 5th Jan., 1720 (1). *Signed*, Robt. Warren. Clerk of the Assembly. 2 pp. [C.O. 28, 17. ff. 57, 58, 59, 59v., 62v.]

March 25. 424. Mr. Popple to Mr. Carkesse. Presses for reply to Whitehall. March 14th. [C.O. 29, 14. pp. 98, 99.]

March 25. 425. M. de Hiriberry to Lord Carteret. In pursuance of London. the Order of Council, Capt. Smart has disposed of the two ships and their cargoes etc. (v. No. ii.) *Petitions* for compensation from the Crown etc. *Signed*, Joannis de Hiriberry. French. 1 p. Enclosed,

425. i. Deposition by Joseph Hiller, Notary Public, Boston, 21st June, 1720. Capt. Smart informed me that he had already disposed of the two vessels and their cargoes in pursuance of an Order by the King in Council, which was of a nature quite contrary to that of the Lords Justices and of an earlier date etc. *Signed*, Jos. Hiller. French. 2 pp.
425. ii. Order of King in Council. St. James's. May 9th, 1719. The two vessels and their cargoes taken by Capt. Smart, H.M.S. *Squirrel*, and condemned in the Court of Admiralty, New England, are to be restored to Capt. Smart, who is to dispose of them and divide the proceeds amongst his officers and crew etc. v. C.S.P. 1719. *Signed*, Robert Hales. Copy in French. 2½ pp. [C.O. 5, 752. Nos. 14, 15, 16.]

March 27. 426. Lt. Governor Bennett to Mr. Popple. Encloses Bermuda. duplicate of letter of 31st Oct. Continues:—By several accounts lately from Barbados and Leeward Islands I am advised, that

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the pirates begin to be troublesome again haveing taken several English and French vessels etc. *Signed*, B. Bennett. *Endorsed*, Reed. 30th April, 1721. Read 13th June, 1722. *Holograph*. 1 p. [C.O. 37, 10. No. 26.]

March 27.

427. R. Lowther to the Council of Trade and Plantations. Answers to several reasons against an Act of Barbados, 1720, *for the better regulating the proceedings of H.M. Courts of Common Pleas*, sent to him by Mr. Popple. *Signed*, Rob. Lowther. *Endorsed*, Reed. 28th March, Read 18th May, 1721. 3½ pp. [C.O. 28, 17. ff. 109–110v., 111v.]

March 27.

428. *Duplicate of preceding, with note endorsed*; Ld. C. J. King yet thinks the reason *against* the Act of much more weight than those *for*, and to the most materiall objection (which he allows to be a very materiall one) viz. the strikeing the jurys by the Marshall, he thinks, 'twould be convenientt to putt the Marshall in place of a Sheriffe, and to act in that matter as ours do, and which will not make so greatt an alteration in the Genll. Common Law. [C.O. 28, 17. ff. 112–116, 117v.]

March 28.

Whitehall.

429. Lord Carteret to the Council of Trade and Plantations. Encloses following, for their report upon the case of the *Calabar Merchant* (v. 22nd March.) *Signed*, Carteret. *Endorsed*, Reed. Read 28th March, 1721. 1 p. *Enclosed*,

429. i. Extract of letter from Lt. Governor Spotswood to Mr. Secretary Craggs, 20th May, 1720. ½ p. [C.O. 5, 1319. Nos. 8, 8.i.]

[Mar. 28.]

430. Deposition of Thomas Kennedy, Master of the *Calabar Merchant*. Bristol. 14th Nov. 1720. *To same effect as March 22. encl. i.* *Signed*, Tho. Kenniday. *Endorsed*, Reed., Read 28th March, 1721. 1 p. [C.O. 5, 1319. No. 6.]

[Mar. 28.]

431. Deposition of Alexander Bradford, Chief Mate of the *Calabar Merchant*. 24th March, 1720 (1) Confirms preceding. *Signed*, Alexr. Bradford. *Same endorsement*. 1¼ pp. [C.O. 5, 1319. No. 7.]

March 29.

Custom ho.,
London.

432. Mr. Carkesse to Mr. Popple. *Reply to 14th and 25th March.* *Encloses following*. The Commissioners of Customs have no objection to the Act of Barbados *granting liberty to the inhabitants to load or unload at any bay, creek or harbour, etc.*, if a proviso be added for masters of sloops so loading or unloading to give bond *as proposed in following*. *Signed*, Cha. Carkesse. *Endorsed*, Reed. 30th March, Read 18th May, 1721. *Addressed*. 1 p. *Enclosed*,

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432. i. Mr. Lascelles, Collector of Customs, Barbados, to H.M. Commissioners of Customs. 28th March, 1721. Report upon Act of Barbados referred to him. *v.* preceding. *Signed*, Henry Lascelles. *Copy.* $1\frac{1}{4}$ pp. [C.O. 28, 17. ff. 100, 101, 101v., 103v.]

March 29.

Whitehall.

433. Lord Carteret to the Council of Trade and Plantations. *Encloses* following for their report. *Signed*, Carteret. *Mem.* (in red ink). This is answer'd by ye 57th article of ye Instructions to ye Lord Belhaven. *Endorsed*, Reed. Read 31st March, 1721. 1 p. *Enclosed*,

433. i. Memorial of Francis Whitworth to Lord Carteret. Complains of Mr. Cox's infringements upon his office, (*v.* 23rd March), and prays for interposition *etc.* 29th March, 1721. *Signed*, Fras. Whitworth. 3 pp. [C.O. 28, 17. ff. 71, 72-63, 74v.]

March 30.

Southwark.

434. Sir Charles Cox to the Council of Trade and Plantations. The Assembly of Barbadoes took upon them to passe an Addresse in a very unjustifiable manner, and contrary to their duty and H.M. expresse Instructions denied a copy of it to my Brother the President, with some very extraordinary circumstances. *Asks for a copy of it etc.* *Signed*, Charles Cox. *Endorsed*, Reed. Read 30th March, 1721. *Addressed.* $\frac{1}{2}$ p. [C.O. 28, 17. ff. 67, 68v.]

March 30.

Whitehall.

435. Council of Trade and Plantations to Lord Carteret. *In reply to 25th March, enclose following*, "which we desire your Lordship will please to lay before H.M. as soon as conveniently may be for his pleasure thereupon." *Annexed*,

435. i. Council of Trade and Plantations to the King. *Representation* upon complaints against Mr. Cox, President of Council of Barbados. It very evidently appears to us, not only from the complaints of the petitioners but even from a letter which we have lately receiv'd from Mr. Cox himself, and from the Minutes of Council therewith transmitted containing the reasons of his proceedings, *etc.*, that Mr. Cox hath suspended Thos. Maxwell, Thos. Maycock, Guy Ball, Jno. Lucy Blackman, Wm. Carter, and Francis Bond, Esqrs. directly contrary to your Majesty's Instructions and in breach of a law pass'd in Barbados in 1720, *for the better preserving the peace and tranquillity of this Island*, which law we have not hitherto laid before your Majesty either for your Royal approbation or disallowance because altho' we do entirely approve the subject matter of it, we are yet doubtfull whether the intention thereof might not be more properly provided for by an Instruction from your Majesty *etc.* We have

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received great complaints from many other persons of the said Mr. Cox's behaviour which we believe has given great uneasiness to your Majesty's good subjects and put that Island into the utmost confusion. Wherefore we are humbly of opinion that the said Mr. Cox should be forthwith removed from his office of President and Councillor and that your Majesty may be graciously pleas'd to grant your Orders in Council for restoring the said *six Councillors* to their places, and that the eldest Councillor so restor'd do take upon him the administration of the Govt. there in the stead of the said Mr. Cox, untill the arrival of the Lord Irwin or the further signification of your Majesty's pleasure etc. It doth not appear to us that Jno. Frere Esq. was legally suspended by Mr. Cox, but forasmuch as the said Jno. Frere doth at present lye under your Majesty's displeasure and is commanded by the late Lords Justices's Order in Council, 12th Oct., last, to come to England to answer certain matters therein objected to him, we shall not take upon us to offer anything to your Majesty concerning him. Your Majesty will best judge what further proceedings should be had against Mr. Cox for his behaviour, which we conceive to have been both arbitrary and illegal.
Annex copies of Instruction and Act of Assembly.
[C.O. 29, 14. pp. 100-105.]

March 30. **436.** Order of King in Council. Appointing Anthony St. James's, Swymmer to the Council of Jamaica. *Signed*, Robert Hales. *Endorsed*, Reed. 2nd, Read 8th June, 1721. $\frac{3}{4}$ p. [C.O. 138, 16. No. 50.]

March 30. **437.** Order of King in Council. Appointing Archibald St. James's, Mack-Phedris, Nicholas Gillman, and Peter Ware to the Council of New Hampshire (*cf.* 13th March). *Signed*, Robert Hales. *Endorsed*, Reed. 2nd, Read 8th June, 1721. $\frac{3}{4}$ p. [C.O. 5, 868. ff. 45, 46v.]

March 31. **438.** Petition of Henry Newman, Agent of New Hampshire, to the Council of Trade and Plantations. In obedience to H.M. commands the Government of New Hampshire have discontinued the impost of a pound of gunpowder pr. ton upon all ships trading thither, towards supplying Fort William and Mary. One year with another they only gained about $1\frac{1}{2}$ barrels pr. ann. more than their expence. The Province is the frontier against the French and Indians and Fort William and Mary the key to it by sea, and absolutely necessary for securing in the River Piscataqua H.M. Naval Stores etc. The Province being small and very much impoverished by the late warrs is

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not in a condition to supply the stores necessary for defending a Fort mounted with 40 pieces of ordnance. It will soon be liable to the insults of every common pirate etc. *Pray that H.M.* may send a supply of ammunition stores or permit the Government to revive the Powder Act, etc. *Endorsed, Reed.* 31st March, Read 3rd May, 1721. 2 pp. [C.O. 5, 868. ff. 43, 43v, 44v.]

March 31. **439.** Mr. Gordon to the Council of Trade and Plantations. *Presses for* report upon his memorial, delivered 5 months ago, against two Acts of Barbados, concerning vestries, and depriving him of his benefice. *Signed, W. Gordon. Endorsed, Reed.* Read 4th April, 1721. 1 p. [C.O. 28, 17. ff. 75, 76v.]

March 31. **440.** Mr. Popple to Charles Stanhope. *Reply to* 22nd. Whitehall. My Lords Commrs. have no objection to the owners of the *Calabar Merchant* being relieved as desired by them, provided they give sufficient security to answer any legal claim which may hereafter be made to the said negroes by persons who shall make it appear they were robbed of them by the said pirates. [C.O. 5, 1365. pp. 227, 228.]

April 1. **441.** Council of Trade and Plantations to Lord Carteret. Whitehall. *Enclose* letter from Mr. Keen, and Memorial of inhabitants of Petty Harbour, 24th Dec., 1720, "relating to a wilfull murder committed there, that orders may be given for the prosecution of the malefactor who is now in Exeter gaol, and the Capt. who brought him over may be heard of at the New England coffee-house near the Royal Exchange. The great disorders complain'd of in the annexed memorial are a further reason with us for the giving all possible encouragement to engage the inhabitants of Newfoundland to remove to Nova Scotia or to some other of H.M. Colonies on the Continent of America, according to the opinion of this Board 19th Dec., 1718, and agreeable to the Instructions given by H.M. to His Governor of Nova Scotia for that purpose; for such inhabitants as do remain in Newfoundland after the return of the Fishery Fleet besides their disorderly way of living there do for the most part promote the trade and fishery of New England to the detriment of their Mother Kingdom." [C.O. 195, 7. pp. 76-78.]

April 3. **442.** Lord Carteret to the Lt. Governor of Placentia. You are Whitehall. to comply with the terms of the *enclosed Representation*, in order to the putting a speedy and effectual end to the works of the new fort etc. *Signed, Carteret. Annexed,*

442. i. Board of Ordnance to the Master General [the Duke of Marlborough] Feb. 24, 172². After several years sollicitations of the merchants loading to Newfoundland, to have forts erected for their defence,

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particularly at Placentia, promising to transport the materials thither for building at very easy rates, we did make an estimate for building a fort at that place, at £2500, which was granted by Parliament in 1718. But the fishing ships and traders instead of taking in these materials as ballast at 3 or 4 shillings per tun (as we had hopes given us) would scarcely be prevailed upon to take any, and those, that they did, cost us from 12 to 45s. pr. tun, insomuch that it was full two years before we could get a sufficient quantity transported, and send the artificers with necessary orders for going to work. Accordingly the work is begun, and altho' it appears upon making up the last year's account, that we have already exceeded by £1400 what was granted by Parliament, yet the materials and artificers, who are in constant pay, whilst there, being upon the spot, we think it will be a saving as well as an advantage to the publick to continue that work, and get the exceedings hereafter from Parliament, which will not be much more, than what's already abovementioned. As this place affords neither materials, artificers nor labourers, and the working season very short, yr. Grace will easily conceive the necessity of being effectually assisted by the Governor with soldiers for labourers at the usual rate paid by the Crown, who without his care and diligence to prevent it, will hire themselves to be employed in the Fishery preferable to this service. This small affair having already proved tedious and vexatious, as well as expensive, it will be necessary, the Commanding Officer should be strictly ordered not to employ or dispose of any part of the materials of the old Forts, it being intended they should be made use of in building the new one, and upon no account to employ any of the boats, nor suffer any of the soldiers to be employed but in this service directly, and it is to be wished that the settlers there may be kept in better order, for want of which our artificers *etc.* are spoiled with drink to the destruction of the service. If these articles are effectually complied with, we may soon expect to see this small work finished, otherwise it will be endless. *Signed,* T. White, John Armstrong, T. Wheate, Cha. Wills, M. Richards. *Copy.* [C.O. 324, 34. pp. 50-53.]

April 4. **443.** H.M. Warrant for admitting Anthony Swymmer to St. James's, the Council of Jamaica, in the room of Francis Rose deceased. *Countersigned,* Carteret. *Copy.* [C.O. 324, 34. pp. 42, 43.]

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April 4. **444.** Earl of Harborough to [?the Council of Trade and Plantations]. Recommends James Lawes to fill a vacancy in Council of Jamaica. *Signed*, Harborough. *Endorsed*, Reed. Read 4th April, 1721. $\frac{1}{4}$ p. [C.O. 137, 13. No. 47.]

April 5.
Salem in New
England.

445. Charles Blechynden to the Council of Trade and Plantations. *Refers to* letter of 20th Aug. last. *Continues*: The clandestine trade carried on in this country to Cape Breton with lumber, provisions, tobacco etc. brings from thence wine, brandy, linnens, silks, etc. not only of the growth and production of France but of Spain too. I have sevl. times laid these matters before our Surveyor Genl. as also Governor Shute who has for several sessions endeavoured to bring in a bill for prohibiting of trade to Cape Breton and which had twice the concurrence of H.M. Counsil: But was thrown out by the Representatives with this reason that here is Officers of H.M. Custom's and let them look to that affair. How impossible it is to prevent these illegal practices your Lordships may perceive by the following etc. These vessels that trades to Cape Breton goes under a pretence of fishing, and soe wee have no opportunity of meeting with them; for wee have above 400 vessels belonging to the Fishery and if we had 500 officers it would not prevent this trade; by reason of the largement of the country and the many harbours and creeks belonging to the same. If we had an Act of Parliament to oblige the owners wth. the masters of every fishing vessel to give security, only to proceed upon their fishing voyage as also not to take in any prohibited goods at sea, or any place whatsoever it would be of great service etc. *Signed*, Chas. Blechynden, Collr. Surveyer and Navl. Officer. *Endorsed*, Reed. 5th, Read 8th June, 1721. *Addressed*. *Postmark*. 2 pp. [C.O. 5, 868. ff. 49, 49v., 50v.]

April 6. **446.** Mr. Popple to Mr. Carkesse. Encloses Instructions for Governor Lord Irwin, and enquires whether the Commissioners of Customs think any alterations necessary etc. [C.O. 29, 14. pp. 106, 107.]

April 12. **447.** Mr. Newman to Mr. Popple. Encloses following. Middle Temple. *Signed*, Henry Newman. *Endorsed*, Reed. 13th April, Read 7th Sept., 1721. 1 p. *Enclosed*,

447. i. Answers to Queries relating to New Hampshire.

(i) The situation of the Province is between the Massachusetts Bay and Province of Main etc. (ii) The N. bounds is Piscataqua River to the head of it at Quamphegon Falls and from thence a North line westwardly into the Main, the S. bounds is 3 miles N. of Merrimack River at the Atlantick Ocean from thence a West line into the Main parallel with the Massachusetts line. (iii) Constitution described.

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- (iv) The trade is wholly lumber, fish and masts for the Royal Navy, the shipping about 20 sail of 50 to 100 tons besides fishing vessels *etc.* The trade is much decreased of late by reason of the poor price lumber bears in the West Indies, and little encouragement to send it to Great Britain, by reason of the high duty on it there. (v) The inhabitants depend wholly on Great Britain for woolens and linnens cordage canvas iron *etc.* to the value of about £40,000 pr. ann. (vi) Lumber and refuse fish are sent to the West Indies from whence for returns comes sugar, molasses, cotton wool, and rum, without some remittances for Great Britain. The merchantable fish is sent to Portugal and Spain, from whence comes nothing but salt for the Fishery the greatest part of the produce being remitted for payment of the British commodities. (vii) The method to prevent illegal trade is a preventing officer call'd a Collector whose care and vigilance has hitherto proved effectual. (viii) Lumber fish and masts with a small matter of tar and turpentine are the only produce and manufacture of this Province, tho' the soil is capable of bearing very good hemp and flax and making great quantities of tar and turpentine but seed is wanting for the first and men and skill for ye latter. (ix) There are no mines yet discovered except a small matter of iron which does not prove rich. (x) The annual produce of fish, lumber *etc.* is about £40,000. (xi) The number of inhabitants, about 9,000, of which 150 blacks. (xii) The number of inhabitants increases. (xiii) Militia, about 1500. (xiv) There is only one Fort, which mounts 42 great guns and that much out of repair, and poorly provided with stores especially powder of which not above 20 barrels in stock. It is on New Castle Island at the entrance of Piscataqua River where is a very good harbour capable of receiving a great number of ships of the greatest burthen. (xv) There are no Indian Settlements within this Province. (xvi) The nearest Indian Settlements are Nurridgwock and Penobscot, the one about 130 and the other about 150 miles from hence, whose strength is between 5 and 600 men. (xvii) The French Plantations in our neighbourhood are the country of Canada, and the late Settlement of Cape Breton *etc.* In all which vast country they have not above 1500 effective men and about 5000 souls. They have 30 companies as they love to reckon, but they don't make 12 men, one company with another. (xviii) The French Settlements have a very ill effect on these Provinces by continually instigating the

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Indians who are very numerous about Quebec against the English. (xix) The Revenue is about £100 per annum, and that from time to time appropriated by the General Assembly towards support of government. (xx) The ordinary expenses of this Government is about £1000 pr. annum in time of peace; in time of warr £2000 and more in case of expeditions which is rais'd by assessments on heads and estates. (xi) There are neither civil nor military establishments. The General Assembly annually presents the Governour with about £200 who with the Lieutenant Governour are the only Patent Officers in the Government. $5\frac{1}{8}$ pp. [C.O. 5, 868. ff. 111, 112-114v., 116v.]

April 12. **448.** Mr. Burchett to Mr. Popple. H.M.S. *Flambrough* being under orders to return home from Carolina, asks for any proofs of the charges against the Captain. (v. 3rd and 17th Nov. 1720). *Signed*, J. Burchett. *Endorsed*, Reed. 14th, Read 18th April, 1721. *Addressed*. 1 p. [C.O. 5, 358. ff. 79, 80v.]

April 12. **449.** Governor Hamilton to the Council of Trade and Plantations. *Encloses* following, "believing at this juncture it will be of service to your Lordships" etc. There are several Acts and other papers which now lye before me to be transmitted to your Lordships, but the notice given me of this opportunity from St. Christophers was too short for me to dispatch them etc. *Signed*, W. Hamilton. *Endorsed*, Reed. 5th June, Read 6th July, 1721. 2 pp. *Enclosed*,

449. i. List of present possessors of the late French lands in the Basse Terre quarter of St. Christophers, with acreage. $3\frac{1}{2}$ pp. *Signed*, Antho. Ravell. *Endorsed*, as preceding. $3\frac{1}{2}$ pp. [C.O. 152, 13. ff. 251, 251v., 252v.-255, 256, 256v.]

April 13. **450.** Mr. Burchett to Mr. Popple. Encloses following, transmitted to the Lords Commrs. of the Admiralty by Mr. Burniston. *Signed*, J. Burchett. *Endorsed*, Reed. 17th April, Read, 5th Sept., 1721. 1 p. *Enclosed*,

450. i. Mr. Armstrong to Mr. Burniston. *Duplicate* of Jan. 10. No. 1. q.v. [C.O. 5, 868. ff. 84-87, 88, 92v.]

April 14. **451.** Order of Council. Referring to Committee of Council Whitehall. Representation of Board of Trade, 30th March, relating to the suspension of several Members of Council of Barbados. *Signed*, Robert Hales. *Endorsed*, Reed. 2nd, Read 8th June, 1721. 1 p. [C.O. 28, 17. ff. 124, 125v.]

April 15. **452.** Robert Lowther to the Council of Trade and Plantations. *Reply* to Mr. Gordon's Memorial (v. 31st March). The Act depriving him of his benefice was passed in conformity

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with my Instructions *etc.* As to his character, there is the cloud of depositions by persons of the best distinction in the Island, entred in the Minutes of Council, 16th Feb., 1720. None of the facts contained in the said affidavits were controverted before the Lords of the Committee, or their Excellencys, nor none of the said depositions admitted to be read from the opposition made there by his Council *etc.*, and he has offered nothing in confutation thereof. He served me with the Order of Council of 25th June, 1719, on the 29th Sept. and stayed till 12th Dec., but although he was told by the Judges that they would proceed upon said order and take depositions *etc.*, he never proceeded thereupon but privately imbarkeed for England *etc.*, and gave out that I contemned the Order *etc.* By these and other artifices he obtained a report in his favour. As to his commitment, it was grounded on an oath made by the Chief Collector of Customs for defamation. (*v.* Minutes of Council, 17th Feb., 1720). The pious divine in order to gratify his revenge dos not scruple to own his trading which is forbid by the Statute of the 21st of Hen. viii. ch. 13th, nor of corrupting the Custom-house officers, which is against ye statute of 13th and 14th Cha. II., ch. II., and which I communicated to H.M. Commissioners of Customs here. Yr. Lordships will also perceive by Mr. Meins deposition yt. treachery and false accusation are some of the ingredients in the case. As to the reflection he attempts to throw upon me by saying that he was committed by my private Secretary, Mr. Lenoir did not committ him as my private Secretary but as a Justice of Peace; he is deputed by a gentleman in England *etc.* The Act regulating the power of vestries was not made against him alone but against all that are wedded to human prospects, or should aim at pompe, power affluence of fortune *etc.* As to the assertion that no Minister keeps a curate but himself, Mr. Irvine has one *etc.* If it be true that he allows £200 to his curate, it is very extraordinary, but even so, he will then have £540 a year left for himself, instead of not one shilling, as he says, for his perquisites alone were always esteemed at £500 a year *etc.* Other objections answered. Quotes a complaint lodged in the Council Office against him for passing these and other laws by Sir Robert Davers, John Walter, Abell Alleyne, Thomas Pinder, William Walker and George Strode. Signed, Robt. Lowther. Endorsed, Reed. 20th, Read 21st April, 1721. 2½ pp. [C.O. 28, 17. ff. 79-81v.]

April 18. 453. Mr. Popple to Mr. Boon. *Asks for proofs of his complaint against Capt. Hildersley* (*v. Nov. 17*), he being under orders to return home *etc.* [C.O. 5, 400. p. 143.]

April 18. 454. Same to Mr. Burchett. In reply to 12th inst. refers Whitehall. to preceding. [C.O. 5, 400. p. 142.]

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April 19.
Whitehall.

455. Lord Carteret to the Council of Trade and Plantations. Encloses following for their report with all convenient speed. *Signed, Carteret. Endorsed, Recd. Read 28th April, 1721. ½ p. Enclosed,*

455. i. Petition of the Co-partners for settling and improving the Bahama Islands to the King. Petitioners have expended considerable sums in fortifying and defending said Islands, but further powers to act as a corporate power are absolutely requisite towards carrying on so great an undertaking, as likewise a power over persons employed by them, etc. especially in regard Governor Rogers has signify'd his intention to leave Providence in April, which may be attended with very fatal consequences, by leaving the Islands exposed to the Spaniards or Pyrates etc. unless timely prevented by an immediate assistance from hence. *Pray that H.M. will grant them a Charter or Letters of Incorporation, etc. 1½ pp. [C.O. 23, 1. Nos. 30, 30. i.]*

April 19. **456.** Lord Carteret to the Council of Trade and Plantations. Whitehall. H.M. having been pleased to appoint John Lord Belhaven to be Governor of Barbadoes, draughts of his Commission and Instructions are to be prepared etc. *Signed, Carteret. Endorsed, Received 19th, Read 20th April, 1721. ½ p. [C.O. 28, 17. ff. 77, 78v.]*

April 20. **457.** Mr. Popple to Mr. Burchett. Mr. Boon has attended Whitehall. the Board of Trade, (v. 18th April) and declared that he has no other proofs than those I sent you 17th Nov. etc. [C.O. 5, 400. p. 144.]

April 20. **458.** Council of Trade and Plantations to Lord Carteret. Whitehall. Enclose draft of Commission for Governor Lord Belhaven "in the usual form except that we have added by name the Island of Tobago" cf. 15th Feb. [C.O. 29, 14. pp. 107, 108.]

April 20. **459.** Governor Sir N. Lawes to the Council of Trade and Plantations. Jamaica. I have lately reced. the honour of your Lordships letter of 27th Dec. last, and return your Lordships my sincere acknowledgments for the approbation which you are pleased so affectionately to express of my conduct whilst we were under just apprehensions of danger from the Spaniards etc. I have hitherto used all possible means in my power to send your Lordships punctually the severall acccts. required by my Instructions. *As to lists of inhabitants, refers to copy of Order sent 6th Dec. 1719. Continues:*—Some of the officers did return me their lists, others acquainted me that it was impossible for them to do it, no Register being kept in most

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of the remote parishes but in my letter (6th Dec. 1719) I informed your Lordships that by the nearest computation I cou'd make the number of effective men fit to bear arms in the severall parishes were then near 3000, and I am of opinion at this time we are much about the same number. I am in great hopes from your Lordships recommendations H.M. will be induced to order us gunns for the defence of the new line at Port Royall, your Lordships are not insensible that the fund for the fortifications is no more than £1250 pr. annum which is but just sufficient to keep them in repair, and the Crown has hitherto allways been pleased to send us such supplys of stores from the Ordnance as our necessity have required, and which I suppose the Board of Ordnance in accots. laid before the Parliament has been stated as an extra charge and allowed of as such by the House of Commons etc. *Hopes the representation of the Board about logwood and the Bay of Campeche will have the desired effect etc.* And I hope the Lords of the Treasury will have come to a determination on what you have been pleased to represent to them concerning H.M. proportion of seizures upon breaches of the Acts of Trade being applyed to the support of the Government here. I laid before the late Assembly what your Lordships wrote, 9th July, concerning the Act relateing to the trade to Hispaniola and I find by their Minutes a Bill was ordered to be brought in on that head; but like most other of their proceedings it came to nothing, so that I cannot really desire your Lordships to defer any longer laying your reasons before H.M. for the repeal of that Act, if the next Assembly (to whom I shall recommend it) thinks proper to pass another law not liable to your Lordships objections I shall lose no time in transmitting the same to you. In several of my former letters I acquainted your Lordships I had recommended to the late Assembly a due compliance to the King's just commands, in favour of Lord Archibald Hamilton and the former Council and likewise sent you the resolutions the House had come to on that head, from which, notwithstanding all the perswasions I have used, could not get them to receed, as for my part I can do no more than pay due obedience to H.M. commands in ordering the mony to be paid out of his Revenue here which is at this time greatly in debt, and hardly able to pay my salary and other necessary contingencys, without which the Government here cannot subsist, and as the late Assembly came to a resolution that if the Receiver Generall discharged that debt of Lord Hamilton's theyd not reimburse the Treasury, I know not what farther steps to take for his Lordships service unless the next Assembly can be prevailed upon to whom I shall earnestly recommend it. I have recd. Mr. West's report relateing to two Acts, and shall endeavour all I can that no future law pass'd here shall be liable to the same objections, etc. *Encloses Minutes of Council and Assembly.* On 19th Jan. the [late]

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Assembly met according to adjournment *etc.* Refers to his Speech, "to which they returned Address of thanks." Continues:—Haveing soon after recd. some letters and other certain information of the good disposition the inhabitants of the Windward Virgin Islands were in to remove from thence and come and settle here, occasioned my sending on 25th Jan. a message to the House acquainting them therewith. The r[es]olutions they came to on my speech and the said message gave me great hopes that they'd have pass'd into laws those severall resolutions, but to my great concern the next day severall of the members did not attend the service of the House whereby they could not make sufficient number (fixt by their rules) to meet and adjourn, which laid a necessity on me to prorogue them by Proclamation, which I accordingly did till the 31st Jan., and then I renewed what I had recommended to them some days before. On 4th Feb. the Council and Assembly haveing pass'd two bills, I gave my consent to them and are herewith transmitted vitz.: An Act to oblige the inhabitants of this Island to provide themselves with a sufficient number of white people *etc.*, and An Act for the releif of such persons as have suffer'd by piracy and robery at sea or on shore by any of H.M. subjects of this Island. The first is much of the same nature with former Bills *etc.*, and the usual provision is therein made for H.M. Independant Companys for twelve months longer; and I perswade myself your Lordships will think the latter a good law Mr. Bonfils and others haveing liberty to prosecute their severall claims. I therefore recommend it to your Lordships to be laid before H.M. for his Royall assent. After my assenting to the two above-mentioned Acts, I earnestly recommended to them the passing a law to invest in the Crown without any exceptions whatever, that whole tract of land from Pero Plantation in the Parish of St. Thomas in the East to the River Grandy in the Parish of St. Georges which said tract contains about 80,000 acres and whereon there is not one settlement made, and tho' all or most of that land has been patented upwards of forty years, yet till very lately no quit rents have been paid for any part of it. However when the House came to consider of such a bill I found private views and interest govern'd the majority, and tho' the Council and Assembly pass'd a bill with a plausible title I soon perceived upon my peruseing it that it would in no ways answer the end proposed, so many exceptions being made in it that I judged little more land thereby was put in the power of the Crown to dispose of, than what the King cou'd claim by virtue of severall laws of this country in force before their passing that bill vitz.: either by escheat or for non-payment of the quit rents. However I had resolved to give my consent to it had they given me an opportunity for so doing, this Bill pass'd the Council on Sat. 25th Feb. and the Assembly standing adjourned to the

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Monday following, I design'd then to have pass'd it; but the same accident happen'd as in page 20 of the Members not attending the service of the House, which oblidged me to prorogue them by Proclamation to 23rd March, at which time they met again *etc.* Refers to his speech to them. Continues: But I soon found they were come together with a disposition to make little or no alterations in the Bill, that heats and animositys together with private views had too great a sway over their reasons, so that I saw it was in vain to expect more good from this Assembly. I did therefore with the advice of the Council dissolve them, and writts are now issued out for calling a new Assembly to meet on 20th June. I cannot better express to your Lordships the great advantage 'twould be to this country to have those people fixt among us and of the proceedings of the Assembly and the cause of dissolving them, than in the reasons set forth in the Proclamation incerted in the Minutes of Council *etc.* By my letter of 13th Nov. last you will have observed that I had then little hopes of the Assemblies reimbursing the Treasury, or supporting the honour and dignity of the Government with that duty they ought to pay to H.M. recommendation. I therefore hinted to your Lordships an expedient which would entirely put the Government here out of the dependance on Assemblies for supplys, and that was by an Act of Parliament to establish a Revenue equal to the annuall charge of the Government, which might be done by dueley collecting of H.M. quit rents and adding the additionall duty bill to the Revenue Act, which together wou'd raise mony sufficient to defray all the extraordinary charges of the Government with the most ease I can think of to the inhabitants. I am perswaded from a view of the proceedings of the Assembly since that time your Lordships will be of opinion that this proposition is now become the more necessary to be put in practice, and should H.M. consent to this method, his subjects here have no reason to complain, they have only themselves to thank for it, since neither admonition nor recommendation cou'd prevail on them to support the Government. Encloses Receiver General's accots. to 29th Sept. last. The last half years have not yet been sworn to before me in Council, they shall therefore be transmitted by the next opportunity, *etc.* I find often great difficulty in getting a corum of the Councel together, which in some measure proceeds from the great distance those Gentlemen live at from this town, and of others being indulged to stay in England while the King's service requires their attendance here. Collonel Rose is lately dead, John Ascough, and John Moore are now in England, and Mr. Samuell Moore goes in the next ships with a design never to return, so that there will be four vacaneyes. I formerly recommended William Nedham and Thomas Rose Esqrs. to whom I must now add Richard Elliston (who was formerly of the Council) and my son

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James Lawes to fill the four vacancys etc. They all live near at hand etc. Since my last severall pirates have been taken, tryed and executed, particularly the famous fellow name Vane, and I am told our adjacent Spanish Governors are grown more cautious in granting commissions to guard de la coasts especially since the country sloops have been cruiseing round about the Island. *Signed*, Nicholas Lawes. *Endorsed*, Recd. 6th, Read 28th July, 1721. 10 pp. *Enclosed*,

459. i. Accounts of H.M. Revenue of Jamaica, March–Sept., 1720–1721. *Expenditure*, £6237 14s. 1 $\frac{3}{4}$ d. *Receipts*, £10,246 7s. 2d. (*including* £8191 *brought forward*), *Debts*, £6855 2s. 7 $\frac{3}{4}$ d. *Signed*, Richd. Mill, Receiver Genl. Deane Poyntz, Deputy Auditor. *Same endorsement*. 6 pp.
459. ii. Accounts of H.M. Fortifications to 29th Sept., 1720. *Signed and endorsed as preceding*. 2 pp. [C.O. 137, 13. Nos. 53, 53. i, ii.]

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460. Rev. William Gordon to Lord Carteret. Encloses London. following copies of papers which he had prepared and sent to Lord Townshend at his request about a month ago etc. *Signed*, W. Gordon. *Holograph*. 1 p. *Enclosed*,

460. i. Some thoughts concerning the Charibbee Islands, humbly offered to Lord Townshend etc. March 14, 1721. Insists upon the great importance of settling them. "In July last at the desire of the Board of Trade, I wrote their Lordps. a letter and stated the advantages and disadvantages of settling Sta. Lucia, and, about the same time, with Mr. Popple, but without mentioning my own name, gave reasons to my Lord Sunderland for settling Tobago" etc. *Submits proposals for that purpose*. *Signed*, W. Gordon. 2 $\frac{1}{2}$ pp.
460. ii. Copy of letter from Rev. W. Gordon to B. of T. about settling Sta. Lucia. July, 1720.
460. iii. Reasons offered [by Rev. W. Gordon] to Lord Sunderland for settling Tobago. (i) It will strengthen the British Colonys in the Charibee islands, which are at present very much inferior to the French, which grow daily incredibly in wealth and power etc. (ii) The soil is very proper for producing cocoa, arnatto and indigo. The British Colonys produce none of the two first commoditys, and but little of the last etc. (iii) By reason of its near neighbourhood to Venezuela or Peru, it will make us much more considerable in the eye of the Spaniard, and make it less advisable for them to come too slightly into any rupture with Britain etc. *Copy*. 1 p. [C.O. 152, 40. Nos. 2, 2. i-iii.]

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[April 25.] **461.** Petition of sundry merchants trading to New England to the Council of Trade and Plantations. Petitioners generally load their ships with cod-fish in return of their effects sent to N.E. But by a pernicious Act (*for the better regulating the culling of fish*) passed in the Assembly there in May, 1718, very prejudicial to trade in general etc., masters of our ships and our factors in that countrey are entirely deprived of chusing such fish as are fit for their purpose, being imposed upon by the cullers appointed there, who oblige them to take such fish as they think fit etc. It has been the practice in Newfoundland time out of mind, for the purchaser to cull his own fish. *Pray that the Act may be repealed etc.* *Signed*, Andrew Faneuil, and 22 others. *Endorsed*, Recd. Read 25th April, 1721. 1 p. *Enclosed*,

461. i. Abstract of Act referred to in preceding. $\frac{3}{4}$ p.
[C.O. 5, 868. ff. 41, 42v.]

April 25. **462.** Lord Carteret to the Council of Trade and Plantations. St. James's. H.M. refers following to the Council of Trade and Plantations for their report. *Signed*, Carteret. *Endorsed*, Reed. 26th, Read 27th April, 1721. *Subscribed under*,

462. i. Petition of Anthony Cracherode to the King. By H.M. Letters Patent, 10th March, 1715, petitioner was appointed Chief Clerk, Register etc. in Chancery, Barbados. Appeals are frequently brought from judgments and decrees obtained in the Courts of Law and Chancery there to your Majesty and Council here, and to prevent the respondent's wasting the estate of the appellant recovered by such judgment or decree, pending such appeal, an Act of the Island was lately passed, *appointing security to be given by appellees*, staying execution until the appeal be finally determined, unless the party obtaining such judgment or decree should give bond with sufficient security in the Secretary's office in double the summe for which such judgment or decree should be had etc. *Prays* that this Act may not be confirmed, since the enacting this security bond to be given in the Secretary's Office is a diminution of the benefits granted to petitioner, and is dilatory and expensive to the inhabitants etc. *Signed*, A. Cracherode. $1\frac{1}{2}$ pp. *Enclosed*,

462. ii. Reasons in support of preceding petition. *Signed as preceding*. 3 pp. [C.O. 28, 17. ff. 82-84, 85v.]

April 25. **463.** Lt. Governor Bennett to the Council of Trade and Bermuda. Plantations. On the 16th and 26th Oct., 1718 I transmitted to your Lordships the same as is now inclosed relateing to the Council here, and did pray that H.M. pleasure therein might as soon as conveniently it could, be known, for that three

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of the eight surviving members were Judges of Assize, who could not sit in the Court of Chancery on any appeal from the Common Law, and that there was but five remained which with myself just made the number appointed to hold a Chancery Court, and if any one of them should be absent a delay must follow, which has too often happen'd to the great grief of the country: and I now again for the reasons afore, presume to intreat your Lordships, to forward the list herein sent (concludeing the former has been intercepted or otherwise miscarried) that H.M. Council here may be filled up. *Refers to enclosure ii.* *Continues:*—It's computed one third of the white men are generally at sea, soe what number of men capeable to bare arms on occasion may easily be known; as for the negroes they can be of noe use till we come to close not haveing firearms but lances about six foot and a half long, which would be of service if it were to be depended on that the fellows would not give way till we came to club musket. The inclosed News paper I believe may be depended on having had repeated accounts to the same purpose, and I am further informed that the pirates used frequently to say in the hearing of their prisoners, that when they had doubled their complement of men they then had they knew where to goe; whether they had this country in their thoughts it's impossible for me to say, but formerly they sent me word by masters of vessels and others whom they have taken, that they would come hither and make this place a new Madagasca: I wish what I some time since humbly proposed of augmenting the number of men in the King's company here to 100, and another Independant Company of the like complement to be sent, had been adhered to, then this Island might reasonably have been said to be in security; and as for the consequence if this place were it in the hands of any sort of enemy to the Crown of Great Britain, I have often explain'd. If their intentions is hither, all necessary care and precautions are taken to prevent their design's, and hope we shall behave ourselves as becomes us on occasion etc. *Signed,* Ben. Bennett, *Endorsed,* Reed. 6th, Read 7th June, 1721. 1½ pp.
Enclosed,

463. i. List of Council of Bermuda: Capt. John Tucker, discharged by his request July, 1713, Major Michael Burrows, deceased Jan., 1718, Capt. Benjamin Hinson, deceased, July, 1715, Capt. Thomas Brooke, Colo. John Trimingham, Samuel Sherlock, Lt. Col. Samuel Smith, Lt. Col. William Outerbridge, Capt. John Peasley, deceased, Oct. 1715, Capt. Leonard White, Major Henry Tucker, Colo. William Tucker. *Recommended to supply vacancies:*—Capt. Henry Tucker, of Port Royal parish, of a very good character, and has one of the best estates in the country. Capt. John Jennings of the same parish has for several years been a J.P.

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and of the Quorum, Speaker of the Assembly and has a very good estate. Capt. Richard Jennings of Harris's Bay parish, has been a J.P. and of the Quorum for many years Chairman of the Quarter Sessions always behaved himself as became him and has a good estate. The Rev. Dr. Andrew Auchinleck, Minister of St. George's parish, a very good man in his ministerial offices, of exemplary life and conversation and very well beloved. *Signed*, Ben. Bennett. *Same endorsement.* 1 p.

463. ii. Number of Inhabitants of the Bermuda Islands, 17th April, 1721. *Totals* :—Men on the Muster roll, 1078 ; men otherwise, 91 ; Women, 1596 ; boys, 1072 ; girls, 1013. Blacks ; Men, 817, women 965 ; boys 880 ; girls, 852. *Signed and endorsed as preceding,* 1 p.
463. iii. News from Barbadoes, Antigua and Jamaica. Bermuda. Feb. 18, 1721, a pirate ship of 32 guns, comanded by one Jon. Roberts, and a brigantine of 18 with 350 men in both, had lately come up with a Dutch interloper of 30 guns and about 90 men as she lay at an anchor with her yards and top-masts down at Sta. Lucea. The pirates at first endeavoured to board her but she running out her booms or fenders prevented them, and then began to engage, the interloper mentaining an obstinate defence for four hours and killed a great many of the pirates, but being overpow'rd was forced to submit and what men the pirates found alive on board they put to death after several cruel methods. The Dutch interloper has the character of a handsome warlike vessell and was extraordinary well fitted in every respect, in which the pirates have now 36 guns mounted : When the pirates had refitted after the battle, they went with their prize under Dutch colours close along the harbor's mouths on Martinique shoar, and made the usual signals that the Dutch interlopers were accustomed to doe to give notice to the inhabitants when they came off from the coast of Guiny with negroes, and then went again to Sta. Lucea the place for tradeing on such occasions with the interlopers. In two or three days several sloops were fitted out of Martinique and went down in order to purchase slaves which vessels the pirates secur'd as they came up and made them anchor by the ships as if they were actually tradeing ; soe those that came latest in knew not the others were taken till they were sensible of their own misfortune, and by this way of manageing they took 14 sail of French sloops, in each of which was a consider-

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able summe of money for that trade. The men they took they barbarously abused some they almost whip't to death others had their ears cut off others they fixed to the yard arms and fired at them as a mark and all their actions look'd like practiceing of cruelty, and at last they sunk and burnt 13 of the 14 sail and let the other return with the poor tormented men to Martinique to tell the storie. After this tragical scene was over they (the pirates) stretched along amongst the French Islands and passing by Guardalupa they saw a large ship at an anchor in the Road, which they cut out haveing 600 hogsheads of sugar on board, from thence they went to Domonico where they intended to carein as is supposed and what's further come of them is not known. *From Jamaica March 31st.* Several pirates have been lately taken and brought in here and on trial most of them found guilty and executed, among them Char. Vaine and one Racum, two notorious Comanders of pirate vessels suffered and died most profligate impudent villains. One Warner and his gang has been also tried and condemned but not yet executed. *Leeward Islands, April 23rd.* On 26th March Capt. Hingston Commander of a ship belonging to London in her way to Jamaica was taken about 4 leagues S. of Antigua by John Roberts Commander of a pirate ship of 42 guns and a briganteen of 18 with 262 white men and 50 negroes in both carryed to Burbuda, and there kept 5 or 6 days having in that time thrown over severall stills coppers saddles bails of dry goods etc. and stript their masts of some running rigging and sails and took forceably 12 of his sailors and then discharged him with his ship; The pirate ship had been a French man of war some small time before taken by Roberts in her way from Martinique to France with the Governor of Martinique on board who the pirates hanged at the yard arm etc. The pirate run on board the French ship in the night. On 2nd Aprill Hingston was again taken by a French pirate (one Nicholaus) Commander of a sloop of 6 gun and 63 men, three or four leagues to windward of Spanish Town, and the same day took a sloop belonging to Antigua and barbarously used the people on board her by cutting them with cutlasses and using severall other inhumanities, and having taken away the said sloops mainsail put the said Hingston and sloop's company with two boys on board her and dismissed them. Nicholaus belonged to Martinique from whence he run with the sloop some small time before. A sloop with 50 negroes commanded

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by a white person was lately run away with from Martinique on the pirating account as is supposed. A boat from St. Christopher's was also lately run away having on board 8 or 10 people who went to St. de Crux and there took a sloop with which they went to St. Thomas's under pretence of want of provision, and on the pretended master's shewing his clearings (which was the sloop's) the Governour asking his name found it disagreeable to the clearings and secured him which the people that remained on board understanding cut the cables and run away. *Same endorsement.* 2 pp. [C.O. 37, 10. Nos. 17, 17. i-iii.]

April 27. **464.** Governor Hamilton to Mr. Delafaye. Immediately on receipt of your letter of 16 Aug. I offered Mr. Hill, upon his producing his power for the receiving pirate's goods, all assistance in my power, but have not heard from him since. Your letter of Oct. 6th came to my hand 23rd March, etc., I immediately communicated to H.M. Council of Antigua their Excellencies' Instruction relating to money bills. *Signed,* W. Hamilton. *Endorsed,* R. 23rd July. 2 pp. [C.O. 152, 42. No. 114.]

April 28. **465.** Francis Whitworth, Secretary of Barbados, to the Council of Trade and Plantations. With reference to Anthony Cracherode's petition (v. 25th April), memorialist apprehends the method prescribed for appellees to give security is by the said Act well and properly directed to be in the Secretary's Office etc. *Signed,* Fras. Whitworth. *Endorsed,* Recd. 28th April, Read 22nd June, 1721. 1 p. [C.O. 28, 17. ff. 146, 147v.]

[April 28.] **466.** Mr. Armstrong to Mr. Burniston. Duplicate of letter, Jan. 10. No. 1, but with addition of paragraph to the effect that New Hampshire has been found by experience capable of raising hemp fit for H.M. Navy. "To encourage its production the Government some years ago passed an Act of Assembly, that all merchantable hemp, the produce of this Province, brought into the Treasury should receive 12d. per lb. The inhabitants are stopped for lack of hemp seed, and about 200 have applied to me to lay their case before the Governmt. at home to supply them with about 100 bushels of seed by the first ship in the spring. This will divert them from going upon woollen manufactories" etc. *Signed,* Robt. Armstrong. *Endorsed,* Recd. 28th April, Read 5th Sept., 1721. *Copy.* 4 pp. [C.O. 5, 868. ff. 89-90v., 91v.]

April 29. **467.** Mr. Young to the Council of Trade and Plantations. London. Refers to his chart and account of Canso etc. Prays to be recommended for the command of "one of the small vessels

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now building to intercept the smugglers " etc. *Signed*, B. Young. *Endorsed*, Recd. Read 4th May, 1721. *Addressed*. 1 p. [C.O. 217, 3. No. 21.]

May 2.
Cockpit.

468. Warrant of the Lord Chamberlain to the Lords Commissioners of the Treasury. The Lords Commissioners of Trade and Plantations having represented that they are very much streighten'd in their Office for want of rooms for their books; H.M. has commanded me to signify his pleasure that you give orders for building four new rooms to inlarge their Office. *Signed*, Holles Newcastle. *Copy*. 1 p. [C.O. 388, 78. f. 1.]

May 3.

469. Mr. West to the Council of Trade and Plantations. Report upon 3 Acts of Virginia. (i) By the Law of Virginia all lands were forfeited for three years non-payment of quitt-rents, but by the Act for the better discovering and securing of H.M. quitt rents, 1720, it is enacted that no lands shall in any such case be forfeited and therefore the Crown has no other remedy left for the recovery of its quitt rents, but what is provided for this Act, that every person who shall conceal the true quantity of his patent lands shall pay double quitt rents etc., of which one half shall go to the informer, so that the Crown in all events is entituled only to the single quitt rents due by law, whereas the forfeiture was for non-payment generally etc. As this tends to the manifest diminution of the King's right as to forfeitures and to weaken the process of the Crown in the recovery of it's quit rents, I am of opinion it is not proper to be confirm'd. *Has no objection to the Act* (ii) *for erecting the countys of Spotsylvania and Brunswick and granting certain exemptions and benefits to the inhabitants thereof* or the Act (iii) *explaining and further declaring what shall be accounted a sufficient seating and improvement to save lands from lapsing etc.* *Signed*, Richd. West. *Endorsed*, Recd. Read 4th May, 1721. 3 pp. [C.O. 5, 1319. No. 9.]

May 4.
Whitehall.

470. Council of Trade and Plantations to the King. Recommend Lewis Morris jr. for the Council of New York, in place of Caleb Heathcote, decd., as proposed by Governor Burnet. 1 p. [C.O. 5, 1079. No. 123; and 5, 1124. p. 256.]

May 4.
Whitehall.

471. Council of Trade and Plantations to the King. Report upon Act of the Massachusetts Bay 1718, for the better regulating the culling of fish, " whereby a suitable number of persons are appointed to be annually chosen in every seaport town or place within that Province where fish is made and cured, and a penalty laid on all persons who shall presume to cull fish there without being chosen and sworn according to the said Act, as likewise a penalty on such as shall presume to ship off any merchantable

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fish whatsoever without being first surveyed or cull'd by a sworn culler or such person as shall be agreed upon by the buyer and seller of fish under the like oath and restrictions in that case only where the said sworn cullers cannot be obtain'd." *Quote objections of merchants trading to New England v. 25th April. Continue:*—Petitioners having farther produced to us letters from their correspondents att Oporto and Alicant complaining of the badness of fish sent thither from New England since the passing the said Act; And being farther inform'd by merchants tradeing to New England and others who attended us that before the passing of this Act it was the practice for the buyer and seller of fish to choose each of them a culler, we are of opinion the said practice is not liable to any objection, and therefore humbly offer that your Majesty be graciously pleased to signify your disapprobation and disallowance of the said Act. [C.O. 5, 915. pp. 324, 325.]

May 4. **472.** Lord Carteret to the Council of Trade and Plantations. Encloses following for their report. *Signed, Carteret. Endorsed, Reed. 15th, Read 17th May, 1721. 1 p. Enclosed,*

472. i. Petition of merchants trading to Jamaica to the King. Complain that several ships at Jamaica were searched, and part of their lading taken out of them, and others attempted to be searched by Capt. Thomas Brooke and others belonging to H.M. Fort in Port Royal, under pretence of their having French indigo, and by virtue of a dormant warrant from Sir N. Lawes, after they had received the said Governor's let-pass and were cleared as well by the Collector and Naval Officer as by the Captain of the Fort, and out of the harbour and at a great distance from the guns of H.M. fortifications and under the sailing orders of H.M. ships of war etc. *Submit* that the said Governor's warrant and the committing of the execution of it to the military power without any regard had to the officers of the Customs as well as the searching of the ships and taking goods out of them after they were cleared, are transactions unwarrantable and destructive of trade etc. Petitioners believe that the ships had been all searched and their cargoes taken out and confiscated, had it not been for the just interposition of Capt. Edward Vernon, Commander in Chief of H.M. ships of war at that Island, who has been very active and diligent in protecting trade from pirates etc. *Pray for* H.M. Order to the Governor to restore the goods taken out of said ships and to give satisfaction for damages, and not to make any seizure of vessels under any such pretext. *Signed, P. Miller and 26 others. Copy. 2 $\frac{3}{4}$ pp.*

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472. ii. Extract of letter from Commodore Edward Vernon to the Rt. Hon. James Vernon. Nov. 13, 1720. H.M.S. *Happy* snow. Describes proceedings of Capt. Brooke (*v. preceding*), "our late neighbour the broken Vintner, exalted to a post he is no way fit for," etc. To repair his broken fortunes he has surprised the old Governor into granting him a dormant warrant etc. as preceding. Continues:—Upon the merchants and masters of ships complaining to me that the soldiers were robbing their ships, Capt. Brooke refusing to comply with my request to take his soldiers ashore, etc., I went on board the ship where the soldiers were, and placed under arrest an officer [Robert Hall] who produced for his orders a warrant from the Receiver General to act as Deputy Waiter for 3 months etc. Signed, E. Vernon. Copy. 3 pp.
472. iii. Deposition of James Pearcee, master of the *John* frigate, 16th March, 1720(1). Describes how Lt. Rookwood, an officer under Capt. Thomas Brooke and Robert Hall (*v. preceding*) searched his ship for French indigo etc. Signed, Jas. Pearcee. Copy. 2½ pp.
472. iv. Depositions by William Hosey and others, crew of *John* frigate, 22nd March, 1720(1), corroborating preceding. Signed, Wm. Hosey, Wm. Collins, John Baker, and Edward Marson, his mark. Copy. 1 p. [C.O. 137, 13. Nos. 48, 48. i-iv.]

May 5. 473. Lord Carteret to Lt. Governor Spotswood. Encloses Whitehall petition of N. Mills. Concludes:—As the circumstances of his long imprisonment etc. seems to be particularly severe and unjust, I am to recommend it to you to give all due protection to him in his endeavours to obtain justice etc., especially with regard to the obligations the persons mentioned entered into with the said Mills, when he became a ransom of [?or] hostage for the said ship. Signed, Carteret. Annexed.

473. i. Petition of Nehemiah Mills, Mate of the *Flying Fame* of Elizabeth town in Virginia, to Lord Carteret, 4th April, 1721. In Sept. 1709, petitioner, at the request of Samuel Bush, Richd. Furlong, and Bryant Tregency, owners of the *Flying Fame*, which was then commanded by Capt. Lorance, became ransomer or hostage for the said vessel, and as such continued a prisoner at Brest 11½ years under the greatest hardship, with no more than the bare prison allowance of bread and water, until discharged by order of the French Government. This hardship arose by the injustice of the said owners, who gave petitioner an obligation to pay him £300 sterling for going a ransomer as above and engaged to pay him £3 10s. pr. month from 10th Sept., 1709,

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until his arrival in Old England, but afterwards took no manner of care of his enlargement. *Prays* that the Governor may be instructed to see justice done etc. *Signed*, Nehemiah Mills. *Copy*. [C.O. 324, 34. pp. 53, 54.]

May 7. **474.** Order of King in Council. Approving draught of St. James's Commission for Lord Belhaven to be Governor of Barbados etc. *Signed*, Robert Hales. *Endorsed*, Reed. 2nd, Read 8th June, 1721. 1 p. [C.O. 28, 17. ff. 126, 127v.; and (duplicate signed, Temple Stanyan.) 5, 191. p. 13a.]

May 7. **475.** Order of King in Council. Appointing Lewis Morris St. James's junr., to the Council of New York. *Signed*, Robert Hales. *Endorsed*, Reed. 2nd, Read 8th June, 1721. 1 p. [C.O. 5, 1052. ff. 159, 160v.]

May 7. **476.** Order of King in Council. Repealing Act of the St. James's Massachusetts Bay for the better regulating the culling of fish (v. 25th April). *Signed*, Robert Hales. *Endorsed*, Reed. 2nd, Read 8th June, 1721. 1½ pp. [C.O. 5, 868. ff. 47, 47v., 48v.]

[May 9.] **477.** Lord Cadogan to the Council of Trade and Plantations. Recommends petition of Capt. Charles Gookin (v. 8th Jan., 4 and 10th March, 1720). *Signed*, Cadogan. *Endorsed*, Reed. 9th., Read 19th May, 1721. 1 p. [C.O. 5, 1266. ff. 11, 12v.]

May 9. **478.** H.M. Commission to Governor Lord Belhaven. Same as that prepared for Lord Irwin, but includes Tobago. [C.O. 5, 191. pp. 1-14.]

May 9. **479.** Mr. Popple to Mr. West. The Council of Trade and Whitehall. Plantations remind you of their desire, that you would prepare the draught of a clause to be inserted in all private Acts in the Plantations, according to what they said to you, 15th March last. [C.O. 324, 10. p. 293.]

May 9. **480.** Lord Carteret to the Council of Trade and Plantations. Whitehall. H.M. having been pleased to appoint John Hart Esq. to be Governor of the Leeward Islands, I desire that you will please to direct the draughts of his Commission and Instructions to be prepared etc. for H.M. approbation. *Signed*, Carteret. *Endorsed*, Reed., Read 10th May, 1721. ½ p. [C.O. 152, 13. ff. 48, 49v.]

May 10. **481.** Mr. Popple to Mr. Burchet. The Council of Trade and Whitehall. Plantations recommend Lt. Benjamin Young for a command

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against the smugglers (*v. Feb. 12, April 29th, 1721*), he having some time ago lay'd before them a draught of the coast of Nova Scotia and Gutt of Canço etc. [C.O. 218, 2. p. 5.]

May 10. **482.** H.M. Warrant for admitting Lewis Morris, jr., to St. James's. the Council of New York in the room of Caleb Heathcote, decd. *Countersigned*, Carteret. *Copy.* [C.O. 324, 34. p. 55.]

May 10. **483.** An account of wood and coales lay'd in by Sam. Clarke for the Board of Trade. *Endorsed*, Read March 8th, 172 $\frac{2}{3}$. 1 p. *v. B.T. Journal.* [C.O. 388, 78. ff. 21, 22v.]

May 11. **484.** Col. James Moore to Joseph Boone. Sr., I am obliged to informe you of an extraordinary event that happened amongst us on the 9th of this instant as well to make you acquainted with the resolution and unanimity of our inhabitants as the success wee have had against our enemys. Collo. Johnson in the morning called together all his Councill and proposed to them means for his restoration to the Governt. being prompted thereto as we are informed by Capt. Hildesley who last October reced. a common. from Johnson to be Collo. of the troop, they had been concerting proper measures long before to bring this about and Mr. Johnson gave out some commons. to some insignifeant persons who had not interest at last to procure any men but however they resolved to make a push for it and accordingly made up about 120 men in all, 80 whereof were sailors belonging to the Flambrough. Headed by Collo. Johnson and Capt. Hildesley when they had got under arms, and upon their march they detach'd two gentn. of their Councill with the inclosed letter from Collo. Johnson, which made us put ourselves in the best posture of defence we could to receive them, and then returned them the inclosed answer, they soon after appeared before the town which obliged the forts to fire three guns at them, which proved so prevailing an argumt. that they procured Capt. Pearse of H.M.S. *Phenix* to be a mediator between us, who came with one of their Councill to propose measures of accommodation they were made to understand that no termes could induce us to part with the Governmt. till H.M. pleasure be known they returned and soon after Capt. Pearse came back againe and informed us that Collo. Johnson was desirous to see the order of the Regency, and some letters from you and Mr. Barnewell, and that they may be sent by some Gent. from us. Accordingly, three gentn. were sent with those papers and it produced this effect that Collo. Johnson promised and gave his honour that he never would trouble his head any more with the present Governmt. and imediately order'd all his men to be disbanded and sent abt. their business so that now I beleive we are free from all disturbances of that kind the consequences, that would have ensued had they obtained their ends would have been very

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mischievous as wee are certainly informed the sailors haveing had promises of plundering the town. We impatiently expect the arrivall of Generall Nicholson to make us all happy. Capt. Hildesley and others notwithstanding the concessions they made did the next morneing so insult the Captaine of the maine Guard that it enraged the inhabitants to such a degree that wee were obliged to put him under arrest at his lodegings to prevent the rage and resentment of the people falling upon him, and upon application made afterwards by Capt. Pearse for his inlargemt. and upon his promise for the good behaviour of Capt. Hildesley his officers and ships company we ordered a good number of armed men to guard him to Capt. Pearse's boat in order to his going on board the *Phenix etc.* You may communicate this with the inclosed to the Boards of Admiralty and Trade etc. *Signed*, Ja. Moore. *Annexed*,

484. i. Col. Johnson to [Col. Moore]. May 9th, 1721. Two of H.M. ships of warr as being now in harbour and the Commanders sensible of the diffeculties I have laboured under as well as the whole country by your unjust usurpation of the Governmt. have therefore resolved to assist me wth. all their force to reassume the same. I have therefore with the advice of my Councill sent to you this letter to desire you would peaceably admitt me into the Governmt. my just right that thereby any misfortunes that may happen on your refusall may entirely lye at your doore and you thereby become lyable to answer for the same, and I hope this my way of proceedings will not be thought pusillanimous sence the intent of it alsoe is to assure you as well as the people of this Province that for anything that has been hitherto transacted of what kind soever it shall lye dormant till the arrivall of Collo. Nicholson or a Governor appointed by H.M. if any such there be, when I will as chearfully as anyone deliver the Governmt. to him the same assurances I take upon me to make you on the part of both the Comanders of H.M. ships that everybody shall be entirely easey in their persons and estates and all misunderstandings referred to H.M. Governour etc. *Signed*, Robt. Johnson. *Copy*.

484. ii. Col. Moore to Messrs Izard and Younge. May 9th, 1721. You may acquaint Collo. Johnson in answer to his messuage that I with the advice of my Councill am determined to keep the Governmt. of this Province for H.M. King George untill his pleasure is signified relateing thereunto and it is a pleasure to us to find ourselves in a good posture for that purpose. *Signed*, Ja. Moore. *Copy*. *The whole, 2 $\frac{1}{2}$ pp. [C.O. 5, 383. No. 5; and (endorsed, Reed. 18th, Read 28th July, 1721) 5, 358. ff. 85, 85v., 86v., 87, 88v.]*

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May 11. **485.** Council of Trade and Plantations to Lord Carteret. Whitehall. Enclose following.

485. i. H.M. Commission, in the usual form, for Col. John Hart to be Governor of the Leeward Islands. General Hamilton's Commission is revoked. [C.O. 153, 13. pp. 463-486.]

May 12. **486.** Order of Council. Approving of Commission for Whitehall. Governor Hart. *Signed*, Robert Hales. *Endorsed*, Reed. 2nd, Read 8th June, 1721. 1 p. [C.O. 152, 13. ff. 50, 51v.; and (duplicate, signed, Temple Stanyan) 5, 191. p. 100a.]

May 12. **487.** Mr. Popple to Mr. Carkesse. Presses for reply to Whitehall. April 6th. [C.O. 29, 14. pp. 109, 110.]

May 12. **488.** Reasons offered on behalf of Mary Williams, Spinster and Elizabeth Williams, infant, of Barbados, co-heirs of Jno. Williams deed., for the speedy repealing of an Act to render more effectual certain legacyes bequeathed by Capt. John Williams to the Parish of Christ Church, Barbados. The Act is made to strengthen an illegal execution of a decree on the lands of Mary and Elizabeth Williams etc. A similar law, 9 or 10 years ago, was repealed upon Sir E. Northey's report. This law is in direct breach of the 14th and 26th Instructions of the Governor etc. *Endorsed*, Reed. 12th, Read 24th May, 1721. 2 pp. [C.O. 28, 17. ff. 120, 120v., 121v.]

May 13. **489.** H.M. Commission to Governor Hart (v. 11th May). St. James's. *Countersigned*, Carteret. [C.O. 5, 191. pp. 101-117.]

May 13. **490.** Judge Sutton to Col. Frere. Last Munday came on Barbados. the elections for ye parishes wch. had writtes for chusing of Assemblymen, published in their churches, but never had any people more difficultys and baser treatments than our friends had from the Sheriffs and ye adverse party, we have had ye good fortune to carry four parishes, St. Thomas, St. Lucie, St. John, St. Philips, and last Thursday they were sworn etc. The Asemblymen were confined for above an hour, ye doors lockt and bolted and two of ye Provost Marshal men guarded ye doors, and ye stratagem was laid yt. ye Council should sett above stairs in order to trapan our friends to make house, but as it happened, many of us were in ye same room confined and made so great noise about our imprisonmt. yt. ye President at last ordered ye doors to be opened to let out all persons except ye Assembly men, our friends took ye opportunity and came out wth. us to ye great mortification of ye President who sighted at ye news yt. ye birds were flown and sayd yt. he had done wt. he could and could not help it, he is very much dejected at this glorious retreat of our eight Patriots who are determined not

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to make a house till there be a return of Representatives for ye parish of St. James and St. Andrew wch. is a plain manifestation to ye world yt. if ye writtes had not been stifled in those two parishes we should have caried a majority notwithstanding ye villany and fowl play yt. our adversaries hath made use of. It hath been no small satisfaction to us all here yt. our friends hath playd so good an after game by wch. ye adverse ten Assembly men are become useless. Ye Attorney General was consulted three times yesterday upon this occasion but I believe he hath given no great incouragement. Ye 2d. of this month I carried a petition from ye freeholders of St. James to ye President in company wth. Judge Dotin who presented St. Andrews and we had for answer yt. he would take time to consider ym. and he hath kept his word for he hath not yet issued any writtes for those two parishes nor hath he taken any notice thereof to his Council who sett on Thursday last, a copy of St. James petition I have inclosed. Major Evans hath broke his promise to you in observing and keeping a neutrality, he hath been very violent and hath voted in every parish yt. he had a freehold against yr. friends by wch. you may know the man. Capt. Terrell is very hearty wth. us. The President plays all ye little and vile arts to subsist by he permitts Capt. to stay ten or fifteen days and then discharges ym. of ye powder duty taking a barrel of tongues furkin of butter and box of candles for ye same. Capt. Tulton of Liverpool is an instance, by wch. means our country is cheated of its powder, wch. would prove of ill consequence to this Island if he was to remain President a few months longer etc. We think it very tedious till his Lordships arrival etc. Our friends have been very stiddy conderdering what attacks they have mett wth. from a sett of wicked men yt. sick at no villany, to bring about their designs; we have been six months in a storme and I hope we are near a safe port etc. P.S. I and my wife presents our respects to you and yr. Lady, Mr. Lowther and Lady, Mrs. Titus and all your family wth. MaMahon. *Signed*, Edmund Sutton. *Endorsed*, Reed. Read July 27, 1721. Extract sent to Ld. Carteret, 28th July. 1½ pp. *Enclosed*,

490. i. Remonstrance of Representatives of four parishes of Barbados to Samuel Cox, President of the Council, 16th May, 1721. On 11th May we appeared as members of the General Assembly, but to our inexpressable concern found that the body of this Island was then intended to be represented by 18 members only, chosen out of 9 parishes, though by the established laws there ought to be 22 representatives for the 11 parishes etc. We humbly pray that before your honour requires of us to enter upon any business, you'll be pleased to issue out writts for the electing of members to serve for the parishes of St. James and

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- St. Andrews *etc.* We begg leave to assure your honr. that, as before, so now, nothing can give us greater regrett or concerne than the little provision wch. has been made for the reception of Lord Viscount Irwine, of whome we have the greatest esteem *etc.* *Signed,* Wm. Leslie, Saml. Fort, Wm. Ramsay, Ralph Weeks, John Carter, Tho. Spencer, Wm. Sandiford, Douden Thornhill. *Endorsed as preceding.* *Copy.* $1\frac{3}{4}$ pp.
490. ii. William Terrill to J. F. (? Col. Frere). Barbados, 12th May, 1721. Dear Brother, I hope these will find you and family safe arrived *etc.* The day you left us Benja. Alleyne was seized wth. a feavour and dyed fryday following. The next Thursday after you left us writts for electing Representatives were sent forward to all ye parishes (as they say) but St. James and St. Andrews were not published, ye first being directed to Judge Alleyne the other to his son Mr. John Allen and inclosed in his father's who saith he did nott receive them till Sunday five of ye clock in the afternoon and then were brought to him by a negro could scarce speak English, so Judge Alleyne sent them back to ye President again. I beleive it's the first instance that ever such a vile bare faced trick was played and ye libertys of H.M. loyall subjects so publickly struck att. The Freeholders of those two parishes preferred two petitions to ye President (desiring writts to issue for their parishes) wch. were presented by Judge Sutton and Judge Dottin but all the releif they could gett was he told them he would consider of them. On Monday 1st inst. we had an earthquake through ye Island *etc.* On the 8th yet other nine parishes proceeding on their elections, five they arbitrarily carryed vizt. Christ Church, St. Michaels, St. Georges, St. Josephs, and St. Peters. Christ Church they carryed by 20 votes having made 35 new freeholders and their Sherriff Elliott permitting severall persons to vote without giving them their oaths altho demanded *etc.* Ten of ye new freeholders are made out of Bishops Estate by Collo. Sandiford, who ye President hath put in possession on his petition without any due course of law. St. Josephs they carryed but by one vote their Sherrif Lightfoot suffering Phillip Bishop and Henry Mills to vote without shewing any deed and its well known neither of those two persons have a foot of land in that parish tho they swore to itt. St. Peters writt was published att ye Parrish Church and yett their Sherrif Walker would take ye poll att the Chappell so old Collo. Maycock protested against the election ye poll not being opened

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att ye Parrish Church according to ye writt so our freinds went away. Wee have gott St. Lucys, St. Thomas, St. Johns and St. Phillipps (altho' damned corruption and violence used, by Sandford). Wee making no opposition in St. Peters I had a better opportunity to stand by my friends and relations in St. Lucys where wee carried itt by a majority of 25. Our writt of St. Lucys was directed to Robert Douglas a native of Scotland (who himself hath reported he had two brothers condemned for being in the late rebellion and had like to have been taken himself) and a professed Jacobite, but he bearing ye charater of a Gentleman I waited on him and asked him if he would take ye writts, he told me no for he would nott take the oaths and had told President Cox as much notwithstanding which Mr. Cox would direct the writts to him and in his absence to Alexa. Graham that had but two and a half acres of land but Robert Harrison gave him an occasionall freehold. *Describes the locking in of the Representatives, with a view to compelling them to make a House, v. covering letter, and their escape.* Mr. Maxwell is cleared of William King's scandalous complaint against him and King committed for perjury, who hath since declared Cox putt him upon itt. The old fashion Howard A. Lillington, Mr. Young forced to fly by witness encouraged and trumpt against him. Mr. Coxes party offer to lay their estates that my Lord Irvine will embrace them but I hope he is a man of more honour. I pray God be mercifull to us. I thank God I have an estate in England to retire to, but I have a great many friends and relations here that I should be troubled to hear they suffered under such a vile sett of people upheld by Walker, Alleyne, Peers, Orsborne and others as bad as themselves. Their first of Aprill snow is here yett and won't saile till June. P.S.—My love and respects to Madame Titus and sister and ye rest of all your family—and honest Mack—if you think fitt communicate this to our friends. *Endorsed as preceding.* 2 $\frac{3}{4}$ pp. [C.O. 28, 17. ff. 155–158v., 159v., 160v.]

May 16. 491. J. Bridger to Mr. Popple. *Encloses following*, in reply to command of the Board to lay before them information as to H.M. woods in New England etc. *Learns* that the Deputy Surveyor of the woods has suffered many good trees to be cut to the value of £1000 etc. *Signed*, J. Bridger. *Endorsed*, Reed. 18th May, 1721, Read 5th July, 1722. *Addressed*. 1 p. *Enclosed*,

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491. i. Certificate that Mr. Bridger, late Surveyor General of H.M. woods, was voted thanks by the General Assembly of New Hampshire for promoting two Acts for the encouragement of Naval Stores. *Testify to his integrity and vigour in prosecuting offenders etc.* Dec. 26, 1720. *Signed,* Saml. Penhallow, Mark Hunking, Geo. Gaffrey, Ric. Wibird, Tho. Packer, Members of Council. *Copy.* 1 p.
491. ii. Certificate by Governor Shute of Mr. Bridger's diligent and faithful performance of his duty etc. Boston, 5th Dec., 1720. *Signed,* Saml. Shute. *Copy.* $\frac{3}{4}$ p. [C.O. 5, 868. ff. 264, 265, 266, 267v.]

May 16. 492. Lord Carteret to Governor Burnet. It is H.M. pleasure, that the money raised for the support of the Civil Government in the Province of which you are Governor, shall pass thro' the hands of H.M. proper Officers, according to the ancient custom; to the end that the accounts of the management and disposition of the sd. money may be regularly laid before H.M. and the Lds. Commrs. of the Treasury here. And you are hereby required to oppose and remove all innovations that have already been made, or shall be attempted to be made upon this head, in relation to the management of H.M. Revenue raised, or to be raised in those Provinces, according to H.M. intention already signified by the Lds. Commrs. of the Treasury, Aug. 17th, 1720, to which you will conform yourself; and you are to take all legal methods for bringing about so necessary a compliance from the Assembly and country. You are to take care, that the ancient and usual fees be allowed to the Auditor of H.M. Revenue, or to his Deputy for auditing the sd. accounts. Whereas H.M. has been informed, that the sd. Deputy is a diligent person in his duty, and against whom there has never been any complaint transmitted, it is H.M. pleasure, that you do give him all the assistance and encouragement, that you can in the execution of his trust, and that you take care that his office be not dismembered by taking from it any of its branches or perquisites. As the dependency of the Colony upon Gt. Britain depends in great measure upon your exerting H.M. legal authority upon this occasion, pursuant to the above letter of the Lds. Commrs. of the Treasury, you will use your utmost application and address in seeing this matter set right to H.M. satisfaction.

After having thus signified to you H.M. commands, I shall only add, that I shall look upon it as a favour done to me, if you will restore Mr. Clerke, the Deputy Auditor, to the Office of Clerk of the Circuits, or make him some recompense, as opportunity may offer, being persuaded that a good understanding between you and that Gentleman may be for H.M. service in that Government. H.M. has been pleased to appoint

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Lewis Morris jr. Esqr. to be of the Council as you desired. *Signed*, Carteret. [C.O. 324, 34. pp. 56, 57; and ($\frac{3}{4}$ p., omitting last paragraph) 5, 1085. No. 87].

May 17. **493.** Mr. Popple to Mr. Burchett. Enquires if the Lords of the Admiralty have any information as to searching of ships at Jamaica as complained of by Merchants' memorial. (v. 4th May). [C.O. 138, 16. p. 284.]

May 18. **494.** Council of Trade and Plantations to the Lords Commissioners of the Treasury. *Enclose* incidental charges of the office from Midsummer, 1720 to Lady day, 1721 "for the payment whereof we pray your Lordships' favourable orders. By reason that the person who has advanced part of this money has been forced to take it up upon interest. There was at Lady day six months salary due to our Secretary and other officers, and an arrear of 12 months to this Commission" etc. *Accounts annexed.* [C.O. 389, 37. pp. 206-208.]

May 18. **495.** Mr. Popple to David Humphreys, Secretary to Society for Propagation of the Gospel. Refers to correspondence of 2nd and 21st Jan., 1718, and asks for the objections of the Society, in writing, to Act of Barbados *granting free liberty to load and unload in the bays etc. about this Island.* [C.O. 29, 14. pp. 112, 113.]

May 18. **496.** Mr. Burchett to Mr. Popple. *In reply to 17th May, Admiralty Office.* encloses following. *Signed*, J. Burchett. *Endorsed*, Reed. 18th, Read 24th May, 1721. *Addressed*. 1 p. *Enclosed*,

496. i. Commodore Vernon to Mr. Burchett. Describes incident of searching ships at Jamaica as 4th May, q.v. *Signed*, E. Vernon. *Copy*. 3 pp.

496. ii. Petition of merchants, freighters and masters of ships at Port Royal to Commodore Vernon. An officer and 50 or 60 soldiers are now on board said ships, robbing them, and have hoisted out several casks for which the masters have signed bills of lading. In regard that the masters have received sailing orders from Capt. Charles Chamberlayne, H.M. sloop *Happy*, petitioners believe said ships are actually under protection of said convoy, having cleared at all the Port Offices ashore and received the Governor's lett pass. Pray for his protection etc. *Copy*. 1 p.

496. iii. (a) Copy of warrant from Governor Sir N. Lawes to Capt. Thomas Brooke, to aid Robert Hall or any other port officers to search all ships now bound to London or Bristol and seize any French indigo found on board upon which the duty has not been paid etc. St. Jago, 1st Nov., 1720. *Signed*, Nicholas Lawes,

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(b) Copy of warrant from Richard Mill, Receiver General, Jamaica, appointing Robert Hall, Assistant Waiter for 3 months, to seize contraband goods etc. 25th Aug., 1720. *Signed*, Richard Mill, Receiver General. *The whole*, 1 p. [C.O. 137, 13. Nos. 49, 49. i-iii.]

May 19. **497.** Mr. Gordon to Mr. Popple. Mr. Gibbons has returned to Barbados etc. Offers his services etc. *Signed*, W. Gordon. *Endorsed*, Reed. 19th, Read 24th May, 1721. 1 p. [C.O. 28, 17. ff. 118, 119v.]

[May 19.] **498.** Co-partners for settling Bahama Islands to the Council of Trade and Plantations. Replies to queries by the Board (*cf.* April 21st). In April, 1716, Sam. Buck sent out 2 ships for Providence and other the Bahama Islands to view the state of that place etc., vizt. the *Samuel* Capt. Edwd. Hampton, and *Sarah*, Capt. Wm. Taylor, ships and cargoes cost £5398 15s. 4d. Upon the return of one of the ships, the other being taken by the Pirates Buck and others entered into co-partnership for settling the Islands, and applied to the Crown for a Governor, and H.M. appointed Capt. Woodes Rogers etc. In Oct. 1717 the said Copartners bought and fitted out four ships with cargoes, at a cost of £11,000. vizt. the *Delitia* 460 tuns, 30 guns and 90 men; the *Willing Mind* 300 tuns, 20 guns, and 22 men; *Samuel*, 135 tuns, 6 guns and 26 men; *Buck* sloop, 75 tuns, 6 guns, and 12 men. They entertained and sent artificers passengers and soldiers upon this expedition in April 1718, with provisions for 14 months and material for building forts etc., under convoy of three of H.M. shippes of warr etc. They found in the harbour of Nassau about 40 sail that had been carried in by the pirates either burnt or sunk. The Governor found about 700 pirates in Providence, most part of which he forced to submitt, the others made their escape with Vane etc. (*v. C.S.P. Oct. 31, 1718*) who continued cruizing amongst those Islands for about 8 months, destroying all vessels bound to or from Providence, in number about 38 sail, by which means and the mortality amongst the cattle, all ye Copartners' victualls and stores were consumed for maintaining the garrison, old inhabitants, and those passengers they sent over. At the Copartners' expence of above £900, three armed sloops were fitted out who took and destroy'd above 100 of the said pirates etc. They have been obliged ever since to keep the said sloops for advice boats and defence of the outsettlemnts. against pirates and Spaniards. After the fort was put into a condition of defence, the Governor permitted the two smallest ships to depart, one of which was taken by the pirates. The *Willing Mind* was lost in the Bahamas and the *Delitia* the Governor has kept ever since for a guardship at the expence of the Copartners both for

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victualls and wages, wch. will amount to a great many thousand pounds etc. The Copartners have also paid great part of the bounty money to the men employed in that Expedition due to them according to H.M. Proclamation for taking of pirates, an account whereof lyes before the Treasury, and for which they have yet received no manner of satisfaction, nor for maintaining above 80 Spaniards prisoners of war that they were compelled by ye Governor to keep until he could receive orders from the Secretary of State what to do with them etc. In Jan., 1719 and July 1720 they sent out the ship *Samuel* with provision and recruits and the ship *Providene* with a necessary cargo of English manufactory, and 46 recruits for the garrison raised at the expence of the Copartners, and provided with beds and cloths, and in Dec. following the ship *Bahama Gally* with a proper cargo etc. The ship *Althea* burthen 400 tuns, 30 guns and 60 men is now at Gravesend ready to depart with a very rich cargo of woollen goods etc. As most of the present Copartners have for many years past been considerable traders to the West Indies, Virginia etc., they willingly came in to give their labour, and advance their money without any stock-jobbing advantage, well knowing of what great importance ye Bahama Islands were to ye Brittish Nation as well in peace as in warr, for defence and offence if well settled, and that if they were again deserted would become a sanctuary for pirates etc. The number of people they have sent out amount to 580, besides those now going in the *Althea*. In March, 1720 when the Spaniards came to attack Providence, the Copartners' Agent delivered out of their stores muskets, swords etc., to above 700 men, and found their provisions most part of the time. By the last accounts, Fort William at Nassau had 66 guns mounted, and at Walkers Point and another battery on the said Island 16 guns more, and on Harbour Island a fort of 12 guns, all which have been rebuilt and provided at the charge of the said partners etc., and the inhabitants had built above 100 houses in the town of Nassau, besides many outsettlements. There had been expended upon building Fort William only between 25th July, 1718 and 25th May, 1719, as pr. accot. signed pr. Governor Rogers and Coun-cell £11344, besides the assistance of the inhabitants who were furnished with provisions. The money already actually paid for carrying on this settlement amots. to £90,000. Wages due to seamen and servants cannot be certainly known till the arrival of the next ships from thence but is computed at £10,108. The charges of 86 men on board the *Delitia* at £4 10s. pr. month pr. man is £387 pr. month for two years to 27th May, 1721.

In respect of their factors and agents, the Copartners conceive themselves under insuperable difficultys, since any of them who are accountable to ye Copartnership may take collusive discharges from some of the partners, wch. they apprehend will be a good and sufficient barr against any claim

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from the rest of the partners, or at least involve them in unspeakable trouble to come at their right. And in regard their dealings are proposed to be very extensive, they apprehend it very precarious to trust to the bare vertue of their agents, factors and partners, when they have such a temptation before them, well knowing the Copartners can't call 'em to an accot. unless incorporated by Charter *etc.* They conceive they cannot in their present capacity call in any money from their partners, or accept or transferr shares without subjecting themselves to the penaltys in the late Act of Parliament. Without endless expence, and uncertainty, they cannot now either implead, or be impledaded, but each acting member in his private capacity is lyable to many vexatious law suits, *etc.* Merchants will enter more freely into engagements with a Corporation *etc.* In regard to the settlement of new country, it's impossible to be done in any other manner then by giving large creditt to newcomers for tools, stores, negroes and other necessarys to carry on their plantations, wch. it will be many years before the inhabitants can repay out of the produce of the land, as the Copartners have found by experience, they having lent at least three pounds sterling pr. head for 7 years to each person at their first going on board in England, and have been obliged to supply them ever since with provision, tools, cloaths, *etc.*, all which charge can no otherwise be supported but by a Corporation, wth. a large joint stock *etc.* Offer to advance a sufficient sum for the settlement of the Island in five years after they shall be incorporated, and to carry out 50 or 100 tons of stores for the Government annually gratis *etc.*, and to forfeit their Charter when they cease to send out annually for 3 years 1000 tuns of shipping. Their object being to trade and clear the Islands of pirates, and not stock jobbing (they hope the bill depending in Parliament will destroy that wicked practice), they are willing that none of their Adventurers may be permitted to transferr any shares unless they have been six months in his own name in the Companys books *etc.*, *etc.* Propose that all privileges and advantages formerly granted by King Charles II may be confirmed in this present Charter and all wrecks lying within latitudes of 22 to 27 degrees North. As the Governor is appointed by the Crown, we can not doubt but H.M. will supply all things needfull for the support and defence of a place of such consequence to the trade of Great Britain, for when the Spaniards lately attack't them, about 20 sail of shippes of severall nations took sanctuary in the Harbour of Providence *etc.* The said Islands extending from the Gulf of Florida to the Windward Passage, through one of which all shippes bound to Europe from Carthagena, Portabello, Campeachy, La Vera Crux, Jamaica, Hispaniola or Havanna must pass, if Turks Islands and the Caucasses at this time uninhabited, and under no English Government were putt into their Charter, it would be impossible for

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any pirates to harbour there in time of peace, or shippes to pass in time of warr without their knowledge, and enable the Company effectually to supply New England, Newfoundland, and all the Northern Collonies with salt, and might open a trade for Brittish woollen and other manufactures etc. *Endorsed*, Recd. Read 19th May, 1721. $7\frac{1}{2}$ pp. [C.O. 23, 1. No. 31.]

[May 19.] **499.** Petition of Samuel Bernard to the Council of Trade and Plantations. Prays for a copy of complaints laid against Governor Sir N. Lawes, in order to send the same for his answer etc. *Signed*, Saml. Bernard. *Endorsed*, Recd. 19th May, Read 27th June, 1721. $\frac{3}{4}$ p. [C.O. 137, 13. No. 52.]

May 19. **500.** Governor Hamilton to the Council of Trade and Antigua. Plantations. I herewith transmit several Acts passed in Antigua, Nevis and St. Christophers with my reasons for passing them which I hope will meet with your Lordships' approbation. Your Lordships will perceive that one of them *vide* the Brimstone Hill Act was passed in August last. Its lying so long is not occasioned by any remisness of mine but owing to the delays that unavoidably happen to such Acts as are past in the other Islands of my Government; for every Act so past is transmitted backwards and forwards three times before it can be compleated, and as the Captain of the man of war attending this Station thinks himself at his own disposal as I have wrote your Lordships at large, and the Governmt. will not be at the charge of keeping a vessel to be continually employ'd as a packet in running up and down among the Islands, but chiefly wait for such opportunitys as offer, your Lordships may easily imagine the difficulties and delays I meet with upon this occasion, besides the Act bears date when passed in the Council and Assembly and not the day when tis assented to by me. Some of the other Acts were past in November following and I assure your Lordships have lain here purely for want of an opportunity for England for since the beginning of October last we have not been able to load one ship for London occasioned by the severity of the times and the excessive drought. 'Tis true indeed a ship went from St. Christophers by which I then wrote etc., but the notice given me of her sailing was too short etc. (v. April 12th). *Refers to* death of Azariah Pinney. *Continues*: Since which John Pinney and James Bevon Esqrs. two of the Members of the Council [of Nevis] are likewise dead, and Robert Elleis and John Choppin Esqrs. have desired leave to resign their places at that board. Upon the Presidents writing me of these Gentlemen's death etc., and that H.M. affairs would greatly suffer for want of a due number of Councillors (there being but four upon the Island of Nevis) I immediately directed the President to cause Roger Pemberton, James Symonds and William Pym Burt Esqrs. to be sworne as members of H.M. Council in which

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I have punctually complyed with my Instructions, there being now but seven upon the Island. These Gentlemen, I can assure your Lordships, are well affected to H.M. and the Protestant Succession in the Illustrious House of Hanover, are well qualifyed for that trust and men of interest in the Island, so hope your Lordships will approve of them. I shall not trouble your Lordships with the duplicates of the papers sent by Capt. Smith the 22nd August last, because I have an account of his arrival, but shall defer it till I have your Lordships' approbation of them, or that you will please to direct how they should be drawn for the future. Your Lordships have not been pleased to favour me with an answer to what I have wrote some time past concerning the Danes settling on St. John's etc., so am at a loss how to govern myself in that affair. The said danes as I am informed have found out a silver mine in one of the little Virgin Islands, but have not been able rightly to inform my self by reason of the Captain of the man of war attending this Station his pretending to an independent command etc. I wait to know your Lordships' opinion etc. Some time past a letter has been handed about in a clandestine manner in all parts of my Government said to be wrote by Sir Nicholas Laws Governor of Jamaica promising encouragement and land to those persons that will come and settle among them, but notwithstanding my endeavours I could never get a sight of it nor discover the publisher. I cannot pretend to charge Sir Nicholas Laws directly as the author because I could never examine into the fact but if I may judge by the consequence it must be him or some other by his authority, for the Governour of St. Thomas wrote me a letter was published there in his name, and to the same effect, and a sloop that went from hence and several persons down upon that account is again returned, the master of which informs me that those persons have or are to have such encouragement, and that the said Governour is endeavouring to get a Law past to vest certain lands in the Crown, which had been formerly granted away, but never settled and that too for the purpose aforesaid. I think it my duty to represent this clandestine way of proceeding to your Lordships as a thing very prejudicial to these H.M. Colonies, and may prove their ruin in time of war or invasion, those people being our chiefest support at that time, and may be a manifest injury to the trader, to whom some of these people are indebted, who upon this encouragement will be induced to run off with their negroes and effects (as I am informed some have done) and thereby defraud them of their just dues. P.S.—A snow arrived yesterday which has been taken by the pirates. *Encloses depositions, etc.* Signed, W. Hamilton. Endorsed, Recd. 24th, Read 25th July, 1721. 4 pp. Enclosed,

500. i. List of Acts enclosed etc. (i) Acts of St. Christophers
(i) for giving titles to inhabitants building houses upon

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Brimstone Hill. 30th Aug. 1720. My reasons for passing this Act are to encourage the inhabitants to build houses in time of peace to protect their families and effects in time of war etc. In 1706, for want of such a place of security they were obliged to build thatched houses in Fort. Brimstone Hill with little pains might be made inaccessible etc. (ii) *For employing negroes on the fortifications and for explaining an Act for raising a tax by poll on all slaves etc. and for raising £500 on the inland trade,* 4th Oct., 1720. Acts of Antigua (i) *for laying a duty of one pound of pistol powder, or 3s. per ton on all vessels trading to and from this Island.* 3rd Nov., 1720. Refers to enclosed Address, "the purport of which I assure your Lordships is fact, and our being at that time engaged in a war with Spain," as sufficient reason for his assenting to it. Earnestly desires H.M. approbation of it. (ii) *Act for reinforcing an Act for repairing the fortifications of Monks Hill and mounting guns thereon etc.* 3rd Nov., 1720. (iii) *An Act for adding one negro out of every 200 to the present number employed on the fortifications* 19th Dec. 1720. (iv) *An Act for raising an impost on strong liquors imported.* 20th Dec., 1720. Acts of Nevis (i) *An Act for raising a poll-tax on negroes, and other slaves belonging to the plantations and inhabitants, and on the freeholders, householders and traders of the towns.* 15th April, 1721. The utility of these 3 Acts sufficiently appears. (ii) *for encouraging John Slapp in his new projection of making a mill for the more easy and speedy grinding of canes and likewise when the wind does not serve to go with horses.* 30th March, 1721. Refers to preamble. Slapp is an industrious man and deserves encouragement. (iii) *for selling flower corn and biscuit by weight.* 11th April, 1721. The great abuses committed by persons trading from North America to this Island in flower corn and biscuit sold in cask is the reason of passing this Act. A barrel of flower formerly contained 220 lb. By their lessening the cask and light packidge it contains now but 140lb. Flower so packt also soon grows unfit for use etc. (iv) *for raising a tax for paying publick debts and charges, and particularly applying the said tax and what shall be raised by the perpetual Liquor Act.* 11th April, 1720. *Signed and endorsed as preceding. 3 pp.*

500. ii. Address of the Lt. Governor and Council of Antigua to Governor Hamilton. Urge his assent to the Powder Act, without the clause for suspending its execution until confirmed by H.M. By the expiration of the

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last Powder Act, there is scarce powder sufficient remaining to protect us against the insults of the Pirates, much less against any sudden invasion etc. Signed, Gilbert Fleming D. Cl. Councill. Same endorsement. 1 large p.

500. iii. Deposition of Christian Mortensen. Antigua, 18th May, 1721. Was taken in April on a Dutch ship by a pirate ship the *Royal Fortune* (described) commanded by one Roberts etc. A brigantine, the *Sea King*, accompanied her, and having taken a snow commanded by Nicholas Hendrick, put deponent on board, etc. Same endorsement. 1½ pp. [C.O. 152, 13. ff. 276-277v., 278v.-282v., 283v.]

May 19. 501. Governor Hamilton to the Council of Trade and Antigua. Plantations. Refers to enclosures, relating to the misconduct

of Capt. Thomas Whitney, H.M.S. *Rose* etc. Continues: Which ship and the *Shark* snow were ordered about three years ago, but did not arrive here till June last, and then the said Whitney acquainted me that both vessels were so much out of repair that it was impossible for them to be refitted here, and thereupon in the beginning of July sailed for New England and did not return till in December altho he had faithfully promised me that he would be back at farthest by the 20th October at which time I told him I did intend to visit the other Islands of my Government but have been wholly disappointed by the disobedience of the said Capt. Whitney in complying with my orders. The pretence for his so doing is grounded upon an opinion, that his own Instructions from the Right Honorable the Lords of the Admiralty are independent of those given me, but how he could entertain this conceit, after I had shown him my Instructions from H.M. is to me unaccountable unless it was out of an extraordinary love of power, however because I am sensible H.M. service has suffered too often by contests about power I was willing for the prevention of any such consequence to use the mildest methods imaginable, and accordingly I told him that if he would shew me any authority from the Lords of the Admiralty either superiour or contradictory to mine I would give up the dispute for the present and make every thing easy, that H.M. service might not suffer, but till then I should continue to give him written orders, and he might obey or disobey them at his peril; notwithstanding this premonition he has continued in his disobedience by departing this Island and sailing for St. Kitts without so much as consulting me, nevertheless I still persevered in my duty, and repeated my orders to him in a letter at St. Kitts which I enclosed in one to the Lieut. General for surer conveyance and Captain Whitney's answer to that letter was "that he should take no notice of it." Refers to enclosures. Continues:—I doubt not

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but your Lordships will for the service of H.M. and the preservation of these Colonies make such a representation to H.M. as that the transgressor may be taken notice of, for if Captains attending this Station are at their own disposal, and not under the command of the Governour in Chief for the time being it is not in the power of the best Governour to perform his duty, these Islands lying so far asunder that in case they should in time of peace be insulted by pirates, or in time of war be attack'd by the enemy it would be wholy out of the power of any Governour to succour or relieve them, except he has the command of the vessels, at least those that attend the Station, and it would be I humbly presume for H.M. service, that all men of war should be, whilst within the Government, for had that been in the year 1712 when Monsr. Cassar was at Mountserrat, and several of our men of war then actually here it might have prevented ye total destruction of that H.M. Island or at least preserved the sovereignty of it, but the Captains differing (as I am informed, for I was then in Britain) was the reason they did not go down to it's relief. Amongst other things contained in Captain Whitney's letters your Lordships will see much ill manners, and what is worse malitious imputation upon my loyalty, but I hope my character in that point is too well established, both in the opinion of your Lordships as well as all other persons who have the inspection of my conduct to admit the least blast from the breath of such low calumny; If I were deficient in this point the people I have the honour to govern have at least as much sagacity as Capt. Whitney to discern and loyalty to prompt them to a representation of it *etc.* When I had an account by affidavits of some persons that had been taken and kept for some time on board the pirate Roberts, as also from the General of the French Islands, that the pirates were hovering about these Islands, and had done a great deal of damage as well to several of H.M. subjects, as to the subjects of the French King, and that the French General sent one Monsr. de Malherbe, with proposals and credentials farther to agree upon any method that should be taken to go in quest of the said pirates, I immediately acquainted Capt. Whitney, to witt on Saturday the 19 of february with what I had received, and that I had ordered the Council to meet me on munday, and desired him to be present, in order that we might consult and take such measures as might best tend for the King's honour and service, as well as the protecting the trade of these H.M. Colonies. The said Whitney was so far from complying with this that the Council sate till twelve of the clock in expectation of his coming, and then upon enquiry found that he was on board his ship, whereupon I ordered the Secretary as Clerk of the Council to write him a letter to let him know my self and Council had waited for him all that forenoon in answer to wch. he wrote a short letter, that it was not for want of respect

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that he did not wait on me, but that his accounts were so intangled, tho' small that he had been forced to sit at his table all the morning, and that I knew better than he could inform me how far he could join the French, and that he would give them signals that they might not mistake each other and was willing to sail in company if I would inform him where the pirates were, at the same time sent me another short letter letting me know that his water was almost expended, and was ready for sea and thought he should water the ship at St. Kitts etc. *Refers to Minutes of Council enclosed.* Continues:—I leave your Lordships to judge how far that Gentleman has H.M. interest, and the preservation of His subjects at heart, however upon the order I sent upon this occasion he required some of H.M. troops, with which I immediately complyed, and ordered the number he desired, and their charges of victuals to be paid for by the publick of this Island he informing me that he could not answer the victualling any extraordinarys after which he vouchsafed to proceed to Martinique, and wrote the short letter you have herewith, a copy attested by me to the French General, who received it as it deserved, and called it in his letter to me “an impertinent billet”; had Capt. Whitney after this followed the remaining part of the orders then sent him (which was in case he did not get intelligences of the pirates there) to cruise for some days to the windward of this Island, he might in all probability have prevented their taking of a ship after that bound for Jamaica which was taken, within two or three leagues of this Island, which they carried to the Island of Barbouda, and there kept her for several days, plundered her for part of her cargoe, and then let her go after having forced twelve of her men to go with them, which ship was after that taken again by a pirate sloop, that run away some time since (as I have been informed) from Martinique, just to the windward of Spanish Town, one of the Virgin Islands. And about the middle of March last I acquainted Capt. Whitney, that we expected daily some London ships, by whom in all probability I should receive letters from your Lordships and the Right Honble. the Secretary of State with some orders for H.M. service, which might require my immediate going to some of the other Islands of my Government, and desired he would be in a readiness to carry me down, that I should be ready at farthest in five or six days after their arrival, but he thought proper to sail the very day the London ship arrived for St. Christophers, and returned not till the 26 April, and then would not come into the Road or Harbour of Saint Johns as usual, but anchored in a more remote place from thence he sent me a letter by Capt. Pomeroy with an information that he believed the Great Pirate Roberts was cruising off Desseada and that so soon as the *Shark* joyned him he would cruise in quest of said Roberts in the tract of Barbados where afterwards he would victual and desired to

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know if I had any commands that way whereupon I sent him a letter by Captain Pomeroy with information that several ships were daily expected to these Islands, and therefore I had sent him written orders to cruise to windward of Desseada between that Island and Barbouda that being the most likely place to meet pirates and to protect the trade from their insults. I also ordered him not to go to Barbados unless necessity required but to return to this Island in order to carry me to leeward, but what regard that Gentleman will have to these orders time only can determine. Thus your Lordships may perceive that I am confined by Captain Whitney's capricious temper, and am disabled from visiting the other Islands tho' H.M. affairs and service require my presence never so much there. *Signed*, W. Hamilton.
Endorsed, Reed. 28th July, Read 14th Sept., 1721. 5½ pp.
Enclosed,

501. i. Remonstrance of the Lt. Governour and Council of Antigua to the Council of Trade and Plantations. Capt. Whitney (*v. preceding*) upon a motion from H.E. for his going in quest of some pirates peremptorily declared to H.E. that he had no power to give him orders altho' he then saw H.M. Instructions to H.E. empowering him so to do *etc.* During Capt. Whitney's absence in North America (*v. preceding*), the Islands were insulted by pirates, vessels taken, others cut out of the Roads and trade greatly discouraged by that hazard attending it. *Refer to enclosures.* It may be of very fatall consequence should succeeding Cpts. govern themselves with the like independency *etc.* There is not the least room for him to suspect H.E.'s loyalty, who hath on all occasions given the most convincing evidences of his zeal for the service of H.M. *etc.* *Signed*, Edw. Byam, Jno. Hamilton, Thomas Morris, Will. Byam, John Gamble, Natha. Crump, Jno. Frye, Archd. Cochran. *Endorsed as preceding.*
1 large p.
501. ii. Remonstrance of the Assembly of Antigua to the Council of Trade and Plantations. St. John's, May 4th, 1721. 'Tis absolutely necessary the Chief Governour should have the direction of H.M. ships upon this Station, as well to transport himself to the several parts of his Government, as to order them to such a part of it as most requires their protection *etc.* Upon these considerations H.M. has granted the Commission of Vice-Admiral to the Governour; notwithstanding which authority, Capt. Whitney has absolutely refused obedience to his orders *etc.* *as preceding.* *Concludes*: Our Chief Governour's great zeal for H.M. *etc.* is as conspicuous in all his actions, as his endeavours are assiduous to promote the happyness of these

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- Colony. Capt. Whitney's misconduct further appears by impressing men from on board merchant ships in contempt of a statute of Great Britain and to the great injury of trade, without any authority from the Commander-in-Chief of these Islands, etc. *Signed*, Ashton Warner, Speaker, and 17 others. *Same endorsement*. 1 large p.
501. iii. (a) Deposition of James Halliday. St. Christophers, 18th March, 1721. Owner of the sloop *Endeavour* he was yesterday, in his way from Spanish Town, seized by a pirate under Spanish colours from St. Augustine etc. The Captain spoke to him through a negro interpreter, but the voice that first hailed him seemed not to be the voice of a negroe but of an English man. *Signed*, James Halliday. iii. (b) Deposition of Robert Clark, mariner. St. Christopher, 18th March, 1721. This morning he sighted a ship N. of St. Eustatia etc. *Signed*, Robert Clark. The whole endorsed as covering letter. 3 pp.
501. iv. List of following 25 papers. *Same endorsement*. 1 p.
501. iv (a). Deposition of Richard Simes, Master of the Sloop *Fisher* of Barbados. Antigua, 21st Jan., 1721. On Jan. 13th lying at an anchor in Sta. Lucia near Pidgeon Island, deponent's sloop and Capt. Norton's brigantine belonging to Rhode Island, were seized by the Pirate Roberts etc., who afterwards sailed for the windward of Barbados, to cruise for provisions of which they seemed to be in great want. They took 4 French sloops, three of which they sunk, and the other they gave to deponent. They forced Capt. Norton and all his men to remain with them, using his mate very barbarously. John Smith, an Irishman, went voluntarily. *Described*. *Signed*, Richard Simes. *Same endorsement*. 1½ pp.
501. v. Deposition of Thomas Bennett. Antigua, 24th Jan., 1721. Owner of the brigantine *Thomas*, on 31st Oct. last, he was seized by the Pirate Roberts 30 leagues E. of Bermudas. They went from Surinam to Tobago to water and thence stood for Sta. Lucia. *Corroborates preceding*. Names and description of 8 sailors still detained by the pirates against their will. *Signed*, Thomas Bennett. *Same endorsement*. 2½ pp.
501. vi. Governor of the French Leeward Islands to Governor Hamilton. Fort Royal, Martinique. 8th Feb., 1721 (N.S.) *Alludes* to depredations of the pirate Roberts off Sta. Lucia 25th and 26th Oct. etc, who gave to the master of a Barbados brigantine the vessel of a poor inhabitant of Martinique the bearer of this letter, M. Pomier, which he had seized. This vessel has been brought

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into Antigua. *Asks that it may be restored.* Between 28th and 31st of Oct. these pirates seized, burned or sank 15 French and English vessels and one Dutch interloper of 42 guns at Dominica. The pirate has the latter vessel with him, besides his own, taken at Tortola, a brigantine of 22 guns and two boats. This squadron of pirates has sailed for St. Eustatia in order to seize another interloper there. Having no man of war now at his disposal, M. de Feuquières wrote to Mr. Cox begging him to send Mr. Whitney who had recently passed Martinique, to return thither, when he would help him with two good vessels and all his forces to seek out the pirates etc. *Signed, De Pas Feuquières. Bénard. Same endorsement. French. 2 pp.*

- 501. vii. *Same to Same.* Fort Royal, Martinique. 21st Feb., 1721. N.S. Sends French Artillery officer, M. le Malherbe, to concert measures against the pirates. *Signed and endorsed as preceding. French. 1 $\frac{1}{4}$ pp.*
- 501. viii. General Feuquières' Credentials to M. le Malherbe (*preceding*). *Signed, dated and endorsed as preceding. French. 1 p.*
- 501. ix, x. Proposals sent by M. de Pas de Feuquières (*No. vii*) for an Agreement made between the Governor of the French Leeward Islands and Governor Hamilton concerning forces to be sent by the two Nations against the pirates cruising off their coasts etc. 15 Articles. *French and English versions. Same endorsement. 8 $\frac{1}{2}$ pp.*
- 501. xi. Minutes of Council of Antigua, 20th Feb., 1721. Correspondence between H.E. and Council and Capt. Whitney, referred to *supra*. *Same endorsement. 3 pp.*
- 501. xii. Capt. Whitney to Governor Hamilton. H.M.S. *Rose.* St. John's Road, Antegoa, Feb. 20, 1721. It is equal to me whether I water at St. Christophers or Guardeloupe, all that I expect is that you'll please to let me know where the pirates are, that I may make a demand from you of assistance from the Regiment etc. I'm willing to make any honourable return to the French Settlements for their generous offer etc. *Signed, Thomas Whitney. Same endorsement. Copy. 1 p.*
- 501. xiii. M. de Malherbe to Governor Hamilton. 2nd March, 1721. Encloses translation of agreement *supra*. *Signed, De Malherbe. Same endorsement. French. Copy. 1 p.*
- 501. xiv. [?Governor Hamilton] to Capt. Whitney. Antigua, 21st Feb. 1720(1721). Encloses orders to him to proceed with H.M.S. *Rose* and a letter to the French Governor, M. de Pas de Feuquières, to consult with him as to going in quest of the pirates etc. No signature. *Same endorsement. Copy. 1 p.*

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501. xv. Governor Hamilton's Order to Capt. Whitney to go to Martinique *as preceding*. 21st Feb. 172¹. Signed, W. Hamilton. *Same endorsement*. Copy. 2 pp.
501. xvi. Capt. Whitney to the Governor of Martinique. March 1st, 172¹. The inclosed is a letter from General Hamilton which I have taken care of. There is an information of pirates on this coast which I must desire your information where they are. Signed, Thomas Whitney. *Same endorsement*. Copy. $\frac{1}{2}$ p.
501. xvii. Governor of Martinique to Capt. Whitney. Fort Royal, Martinique, 13th March, 1721. *Reply to preceding*. The pirates have left the coast of St. Domingo. I have explained to the gentlemen you sent, why I have stopped the preparation of the force I had begun to raise. Offers aid in case pirates return to the windward of Martinique etc. Signed, De Pas Feuquières. *Same endorsement*. French. Copy. 1 p.
501. xviii. *Same to Governor Hamilton*. Dated *as preceding*. One of our ships, formerly captured by the pirates, has arrived from St. Domingo, and I do not think they are any longer likely to injure you or us. Two frigates have been sent from France to cruise off St. Domingo. I have therefore discharged the forces I was preparing etc. Acknowledges his zealous co-operation and encloses copies of Capt. Whitney's impertinent letter and his reply. Nos. xvi, xvii. "Now that these Islands begin to be supplied with necessaries, I shall have great pleasure in sending you anything you may desire," etc. Sends him 2 barrels of red wine. Thanks for releasing the two French ships of Pomier and Domaine as requested. Invites him to send information as to pirates, so that he may instruct the French frigates etc. Signed and endorsed *as preceding*. French. Copy. 3 pp.
501. xix. Capt. Whitney to Governor Hamilton. H.M.S. Rose in St. John's Road, Antegoa, March 1st, 172¹. Encloses *preceding*. I was very much surprised after so much noise of pirates and armaments to join their forces with ours (as they called it) their Governor knew nothing of the matter nor had not heard of any pirates these two months, but that they were gone to Rattan of which I acquainted the Lords of the Admiralty some time ago; so conclude this last expedition was contrived by the smugglers on each side, and don't doubt there will be information of pirates in two days, there being now at Martinico five sloops fitting to come over among these Islands to buy provisions which consequently will destroy the poor of these Colonies. Enquires as to payment for soldiers' provisions etc.

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- The smugglers who are most of them my country Jacobites being very angry my seizing the sloops, but hope to be up with some of them etc. *Signed*, Thomas Whitney. *Same endorsement*. *Copy*. $1\frac{3}{4}$ pp.
501. xx. *Same to Same*. H.M.S. Rose, St. John's Road, Antegoa. March 22, 172 $\frac{1}{2}$. I'm going to St. Christophers to water etc. I have made the signal for the trade if any here, that want convoy, but sorry I am I have so little opportunities of making such signals from this Island. *Signed and endorsed as preceding*. *Copy*. 1 p.
501. xxi. Governor Hamilton to Captain Whitney. By a deposition (enclosed) taken before Lt. General Mathew a certain ship has invaded our vessels and intends further mischief. You are to proceed to St. Christophers and consult with the Lt. General and take such measures as shall be judged for H.M. service etc. You are not to exceed the limits of my Government, but to return with all dispatch as I expect orders from home by ships now reported etc. Antigua, 22nd March, 172 $\frac{1}{2}$. *Same endorsement*. *Copy*. 1 p.
501. xxii. Capt. Whitney to Governor Hamilton. H.M.S. Rose. St. John's Road, Antegoa. March 23rd, 172 $\frac{1}{2}$. I am sorry the French affidavits should have so much influence; you know, Sir, you have no power to give me orders, but I will concert any affairs that shall be for my King's service, and am sorry I am fore't to say I wish you'de do the same. *Signed*, Thomas Whitney. *Same endorsement*. *Copy*. $\frac{1}{2}$ p.
501. xxiii. Governor Hamilton to Capt. Whitney. Antigua, March 23rd, 172 $\frac{1}{2}$. Encloses copies of letter and list of stores sent for H.M. ships from the Navy Office. *In reply to preceding says* we cannot afford to slight any information about pirates, and communicates H.M. Instructions which empower him to suspend Commanders of H.M. Ships who neglect their duties etc. I presume you will think I am sufficiently empowered to give orders. I shall continue to give you written orders, and you may disobey at your peril" etc. *Same endorsement*. *Copy*. $2\frac{1}{4}$ pp.
501. xxiv. Capt. Whitney to Governor Hamilton. St. Xphers. Rose. March 31st. I shall take no notice of *preceding*. Capt. Pomeroy has seized two French sloops of some valew. We believe there's proof enough to make them prizes, if thears fear play done us etc. If they be condemned, you shall find (notwithstanding what sicophants may say to you) we shall behave in that case very justly in what shall relate to you. I shd' gone to Windward ere this but

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- expected advice of that Spaniard which I judge by enquiry from Holladay to be a Guard d'Costa. *Signed*, Thomas Whitney. *Same endorsement*. *Copy*. 1 p.
501. xxv. *Same to Same*. H.M.S. *Rose* in Old Road, St. Xphers. April 6, 1721. I design to sail this night on an information deposed by John Lamb before Lt. Genll. Mathew that there are pirates at the Rocas. I have requested 15 men of the King's troops to assist me (which he has agreed to) I have ordered the *Shark* to proceed to Antigua to consult with you what shall be necessary etc. *Signed and endorsed as preceding*. *Copy*. 1 p.
501. xxvi. Copy of H.M. Instructions to Governor Hamilton, article 66, empowering him to suspend Naval Captains etc. *Same endorsement*. 1 p.
501. xxvii. Capt. Whitney to Governor Hamilton. H.M.S. *Rose*. Five Islands April 26, 1721. I have been cruising among the Virgin Islands in quest of a French pirate that had taken a ship bound to Jamaica, who was so unlucky to be taken just before by Roberts in sight of this Island, and carried to Barbuda where he staid five days. I put the master on shoar at St. Xphers and by his information believe Roberts to be cruising off Desiado. I design when the *Shark* joins me to go in quest of him, and cruise in the tract of Barbados where I design to victual. I should be glad to know if your Excellency has any commands that way. *Signed*, Thomas Whitney. *Same endorsement*. *Copy*. $\frac{3}{4}$ p.
501. xxviii. Governor Hamilton to Capt. Whitney. Antigua, April 26th, 1721. *Reply to preceding*. If you had followed my orders at your return from Martinique to cruize for some days to windward of these Islands, you might in all probability have come up with the pirate Roberts and prevented the misfortune to the ship bound to Jamaica. *Encloses* following order and requests him to return after his cruise to carry him to Leeward to visit the other Islands of his Government etc. *Signed*, W. Hamilton. *Same endorsement*. $1\frac{1}{4}$ pp.
501. xxix. *Same to Same*. Same date. Orders to cruise between Desciada and Barbuda for 10 or 12 days in search of pirates and then return to Antigua, etc., as preceding. *Signed and endorsed as preceding*. 1 large p. [C.O. 152, 14. ff. 23-25v., 26v.-31v., 32v.-33v., 34v.-37v., 38v.-41, 42v.-45v., 46v.-48v., 50-51, 52v., 53, 54v., 55, 56v.-57v., 58-60v., 61v.-64v., 65v.-68, 69v., 70, 71v.-74, 75v., 76, 77v., 78, 79v.-80v., 81v., 82, 83v.-84v., 85v., 86-87v.]

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May 20. **502.** Mr. Popple to Joshua Gee. The Council of Trade and Whitehall. Plantations have appointed Friday morning for hearing Capt. Gookin's Council on his petition (*v. 8th Jan. 17^{1/2} v.*). I am to acquaint you therewith, that you may also come with your Council, if you have anything to object etc. *Mem.* A like letter was writ to Mr. Richier, N. Jersey. [C.O. 5, 1293. pp. 236, 237.]

May 20. **503.** Mr. Popple to Mr. Carkesse. The new impression of Whitehall. the Barbados Lawes being lately finished; I can now inform you, that the new law mentioned in your letter 16th May, 1720, *for regulating the guage of sugar casks 1675*, is a perpetual law, and in full force, the Act of 1682, making some alterations therein is expired etc. [C.O. 29, 14. pp. 115, 116.]

May 26. **504.** Mr. Popple to Mr. West. Encloses, for his opinion, Whitehall. *Act of Barbados to render more effectual certain legacies by Capt. John Williams to the Parish of Christ Church.* [C.O. 29, 14. pp. 116, 117.]

May 26. **505.** Council of Trade and Plantations to Lord Carteret. Whitehall. *Representation upon* Lord A. Hamilton's Memorial as to his share in sloop *Bennett*, prize of a privateer of which he was part owner etc. His Lordship deposited his share in the hands of the Provost Marshal upon the application of a Spanish Agent who pretended that he would appeal, but has not done so etc. *Continue:*—His Lordship, attending the Board, informed us that there has been an attempt made in the Assembly to take this deposit money out of the Provost Marshal's hands by an Act. We have no objection to the Prayer of his Lordship's Memorial, provided security be given for making good the said deposit to any person that may hereafter appear to be legally intitul'd thereto in such manner as shall be advised by H.M. Council learned in the Law. We are likewise of opinion that all the other owners concerned with his Lordship in the ship *Bennet* should give the same security in Jamaica to be answerable for their respective shares as shall be given by his Lordship here. [C.O. 138, 16. pp. 285–289.]

[May 26]. **506.** Copartners for settling the Bahama Islands to Council of Trade and Plantations. Proposals supplementary to those of 19th May. H.M. to appoint and pay Governor and Council. To form a Government according to that of Jamaica. To send another Independant Company at the charge of the Crown. The Capital Stock to be £500,000, or 20 pr. et. upon the original subscription, and no more to be raised but by leave of the Crown. *Endorsed, Reed.* (from Mr. Saml. Buek) 26th May, Read 22nd June, 1721. $\frac{1}{2}$ p. [C.O. 23, 1. No. 33.]

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May 28. **507.** Richard Waddon to [?Lord Carteret]. Thro' your favour, I am now Lieut. of H.M.S. *Enterprize*. We sail to Virginia the first fair wind etc. *Compliments.* *Signed,* Rd. Waddon. 1 p. [C.O. 5, 387. No. 24].

May 28. **508.** Order of King in Council. Approving report of the Lords of the Committee for hearing appeals, complaints etc. from the Plantations, upon several petitions etc. from Barbados, relating to Mr. Cox and the suspension of Councillors etc., that several of the matters therein contained cannot from the nature of them, be so properly examined into or determined here as in the said Island, etc., and ordering that the said petitions and addresses (petitions of Sir Robert Davers, Alexander Walker, Robert Heysham, Sir Charles Cox, representation of Council of Trade on an Address from the Assembly, and an address of the Assembly against Mr. Cox for removing officers etc) be delivered to the Rt. Honble. the Lord Belhaven, Governor, to examine into the same, and to give such orders as he shall think proper for the present peace and good Government of the said Island, and to return an account to this Board of his proceedings herein, together with what his Lordship shall conceive further necessary to be done for H.M. service, and the good of the said Island. *Signed,* Edward Southwell. *Endorsed,* Recd. 4th, Read 8th Aug., 1721. 3½ pp. [C.O. 28, 17. ff. 168–169v.]

May 28. **509.** Order of King in Council. Upon the several petitions etc. relating to Mr. Cox having suspended Thos. Maycock, Thos. Maxwell, Guy Ball, John Lucy Blackman, William Carter and Francis Bond, ordered, that they be restored to their places in the Council of Barbados, Mr. Cox having acted contrary to the ixth Article of his Instructions etc. *Signed and endorsed as preceding.* 1½ pp. [C.O. 28, 17. ff. 170, 170v., 171v.; and (Signed, Robert Hales, Endorsed, Recd. 5th, Read 8th June, 1721.) 28, 17. ff. 128, 128v., 129v.]

May 28. **510.** Order of King in Council. Approving report of Committee for hearing appeals etc., upon petitions touching Mr. Cox having removed several persons from their places in Barbados, that it appears by an Address of the General Assembly that Mr. Cox hath turned out seven of the eight Collonells of the Regiments in that Island, the masters in Chancery and all the Judges of the Courts of Common Pleas, and likewise changed the Commission of the Peace, whereby the said Island is in great disorder, and the said Mr. Cox not having transmitted his reasons for so doing and ordering that all officers both civil and military (except John Frere Esq.) be forthwith restored to their respective commissions offices and employments, etc. *Signed and*

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endorsed as preceding. 2 pp. [C.O. 28, 17. ff. 172, 172v., 173v.; and (signed, Robert Hales, endorsed Reed. 5th, Read 8th June, 1721) ff. 130, 131v.]

May 28.
St. James's.

511. Order of King in Council. Approving report of Committee for hearing appeals etc., that, in the course of their examination into the matters between Mr. Cox and the suspended Councillors, there did appear to have been passed in Barbados, in 1720, an Act *for the better preserving the peace and tranquility of the Island*, which they conceive to be highly injurious to H.M. Prerogative in several particulars, and repealing said Act. *Signed and endorsed as preceding. 1½ pp. [C.O. 28, 17. ff. 174, 174v., 175v.; and (Signed, Robert Hales, Endorsed, Reed. 5th, Read 8th June, 1721) ff. 132, 133v.]*

May 30.
Antigua.

512. Governor Hamilton to the Council of Trade and Plantations. I herewith transmit an Act past in Nevis *for establishing, regulating and disciplining the Militia forces*, which has been preparing for these four years past, and 'twas with some difficulty that I got them to set about this Act so necessary for their preservation, but their remissness was so great that I believe they would have still put it off by delays had not the pirates awakened 'em by attacking Basse Terre in St. Christophers. I made some amendments to the said Act but was unwilling to venture too far, least it should give a handle to them to make objections thereto, and by that means not pass it, and indeed I was not mistaken in my conjectures, for the President upon return of the Act with amendmts. writes me 'twas done again with no small reluctance of some, who would rather have it postponed for further alteration, and perhaps would never after have consented to it. Upon this consideration I have consented to the Bill as it is being truely sensible of the necessity of such an Act etc. *Refers to Preamble. Signed, W. Hamilton. Endorsed, Reed. 26th, Read 27th July, 1721. 1 p. [C.O. 152, 13. ff. 284, 285v.]*

May 31.
Virginia.

513. Lt. Governor Spotswood to the Council of Trade and Plantations. *Abstract.* Last September the coast was greatly infested by Spanish privateers from St. Augustin. One came within the capes and made several prizes, one of which was retaken by the Lieutenant of the guardship. On board there were ten Spaniards, who had with them the copy of a commission granted in August by the Governor of St. Augustin to the Captain of that privateer, although upon examination of these prisoners it appeared that the cessation of arms had been notified to the Governor by the Governor of S. Carolina before that privateer sailed: but that the Spaniards resolved not to regard it upon pretence that it had not been notified to them from their Court. Spotswood thereupon sent a flag of truce

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demanding restitution of the vessels *etc.* taken during the cessation, and at the same time sent the Spanish prisoners. The flag of truce found the said privateer and several of her prizes at St. Augustin. Others had been sent to Havana and others lost. The Governor disowned having given commissions for cruising on the coast of Virginia, and made a show of trying and condemning the Captain of the privateer and directed a London ship, *Recovery*, and Philadelphia sloop, *Mary*, to be delivered up. But he would not part with a London sloop with negroes on board, which had been taken on her voyage to Virginia, which was more valuable than both the others, alleging that she was lawful prize for having red wood on board, which he said was the growth of the Spanish Plantations, though it was evident it was brought from Africa. The loading of the Philadelphia sloop he pretended to purchase for the use of his garrison, and accordingly took out the bread and flour, "but tendered no other payment than a note under his hand for 2098 pieces of eight which is of no value to the owners, seeing they dare not send to demand it at a place where their vessels are liable to be seized upon the most trifling pretences." No reparation could be obtained for the prizes sent to other ports or lost. None of the Spanish privateers has since molested their trade, but it is necessary that more effectual care be taken to preserve the freedom of navigation to and from the West Indies, "and especially from the insults of those of St. Augustin, which seems to be rather a resort of banditti than deserving the name of a Government" *etc.* Quotes cases of captain of *Prince of Orange*, sent from Philadelphia with a flag of truce to exchange some prisoners, whom the Governor arrested on a false charge of landing European goods without his permission; and of a Boston brigantine coming from Jamaica, captured, Feb. last, in the Gulf of Florida by a Spanish frigat, and carried into St. Augustin. Though his coequets showed that his whole lading was taken in at Jamaica, yet because he had braziletto on board which the Spaniards pretended was the product of their Plantations, they condemned both vessel and cargo, "and the poor man (who had a great part of his substance in that brigantine) is come hither a fatal instance of the effects of violence and oppression having together with his goods entirely lost his senses" *etc.* These instances will show how traders in these parts lie at the mercy of the Spaniards, "for if the having on board their vessels any commoditys of the like species with those are produced in the Spanish Plantations, nay even a pistoll or ps. of $\frac{1}{2}$ which is the common currency of these Colonys be (as the Spaniards pretend) sufficient ground for making prize *etc.*, each ship and vessell trading in America may be seized, and considering the charge and difficulty of private persons solliciting redress at the Court of Madrid, the remedy seems as intolerable as the disease" *etc.* *Hopes*, whilst a new

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Treaty is on foot, the Board will so represent this growing evil as that it may be restrained *etc.* The depredations committed by the Spaniards on this coast has cost the Government nearly £1000 *etc.* A ship, lately arrived here from the Isle of May, was taken in her passage by Roberts a pirate (50 guns, 240 men) who said he expected to be joined by another ship and would then visit Virginia, and avenge the pirates who have been executed here. "Considering the boldness of this fellow, who last year with no more than a sloop of 10 guns and 60 men, ventured into Trepassy in Newfoundland where there were a great number of merchant ships, upwards of 1200 men and 40 ps. of cannon, and yet for want of courage in this headless multitude, plundered and burnt divers ships there, and made such as he pleased prisoners, I thought it prudence to make use of this opportunity to put the countrey in a better posture of defence and have got the Council unanimously to consent to the erecting of batterys at the mouth of James River, York and Rappahanock where I shall in a few days have 54 pieces of canon mounted and hope when these batterys are finished according to the plan I have laid, the country will have no occasion to be under any alarm at what the pyrates may be able to do, and the ships in our rivers may ly in safety, but in order to prevent the danger to the trade of these Plantations, I am humbly of opinion that ships of greater force than those now stationed here, are necessary to be sent to guard the coasts; for there is not one of the guardships on this coast fitt to encounter such a one as this Roberts has now under his command, and 'tis no easy matter for two or more of the men of war to joine of a sudden so remote as their stations are from one another for suppressing any great force of the pyrates appearing on these coasts. Certainly a 40 or 50 gun ship is absolutely necessary to convoy our merchant ships out to sea, and a smaller vessell such as a sloop or brigantine to pursue little pickeroons in shoal water, where a great ship cannot come at them, would be very serviceable towards the security of our trade, and driving the pyrates from this coast, where they frequently resort to furnish themselves with provisions, as well as to wait for good ships when their own are grown out of repair, and if last year there had been two men of war here, the one to have cruised while the other cleaned, the great loss this Colony and the trade of Great Britain in generall suffered here from the Spanish privateers had been prevented." *Encloses* accounts of Revenue and Journals of Council *etc.* *Continues:*—Your Lordships will observe by the many petitions for leave to take up land how much the frontiers of this country are likely to be extended, and principally upon the hopes of H.M. gracious approbation of the Act pass'd this last Session, and the Address of the Assembly for encouraging the possessing the passes of the Great Mountains, both which I hope by your Lordsp's. favourable interposition are by this

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time obtained. *Set out*, Va. Hist. Soc. Coll., Spotswood Papers, II. 346. *Signed*, A. Spotswood. *Endorsed*, Reed. 16th Oct. 1721, Read 12th June, 1722. 6 pp. *Enclosed*,

513. i. Account of H.M. Revenue of Quit-Rents in Virginia, 25th April, 1720–1721. *Totals*: *Receipts* (including £7971 5s. 6½d. brought forward) £10,021 5s. 3½d.) *Expenditure*, £2724 6s. 3¼d. *Signed*, Wm. Cole, D. Rr. Genl. *Audited by John Grymes, Deputy. Audr.* *Endorsed as preceding.* 4 pp.

513. ii. Account of H.M. Revenue of 2s. pr. hogshead etc. in Virginia, 25th Oct., 1720–25th April, 1721. *Total, Receipts*, (including £2991 0s. 2d. brought forward) £3889 6s. 6½d. *Expenditure*, £2038 8s. 6½d. *Signed, audited and endorsed as preceding.* 2 pp. [C.O. 5, 1319. Nos. 15, 15. i., ii.]

June 1.

Boston.

514. Governor Shute to the Council of Trade and Plantations. The packet I have by this ship sent to the Secretary would have been sooner dispatched had not there been one Assembly more this year than usual; at all which Assemblies the Secretary of the Province is obliged constantly to attend which has prevented him from finishing these Minutes so soon as I could have wished etc. The House of Representatives in the two last Sessions have in many of their proceedings not paid their just duty to the King's Royal Prerogative, but have endeavoured to exceed the bounds, granted to them in the Royal Charter; neither have they had a just regard to H.M. Instructions given to me their Governour, which I have often communicated to them etc. I have always strenuously endeavoured to assert the Royal Prerogative (for which I have not a little suffered as to my own private interest) and cannot but say H.M. Council have in a great measure assisted me in it. I shall not enter into the particular points etc., because the Minutes and papers herewith transmitted will give your Lordps. a full and perfect accompt etc. *Refers to his Speech at the dissolution of the late Assembly etc.* *Continues*—The House of Representatives generally consist of persons (better adapted to their farming affairs than to be Representatives of the Province) who are drawn into any measures by the craft and subtlety of a few designing persons who when they are indeavouring to invade the Royal Prerogative make the unthinking part of the Assembly believe, that they only are asserting the just priviledges of the people, and by this false guise these men become the favourites of the Populace who believe them to be the only patriots of their country. At the head of this party precides one Elisha Cooke Esq., who was removed out of the Council for denying H.M. title to the woods in the Province of Main, notwithstanding the Acts of Parliament made in that case, and in the last Sessions of Assembly continues to persue the

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same measures to the great prejudice of the Crown of Great Brittan which will more fully appear by the papers I have now transmitted. I think the Indians in these parts are at present brought into a very good temper by the forces I have sent and measures I have taken and I shall use my best indeavours to keep them so, tho' I must own they are very uncertain in their tempers, and will maintain a good correspondence with these Provinces no longer than when their Priest tells them twill be consistant with their interest to do *etc.* *Signed,* Samuel Shute. *Endorsed,* Reed. 2nd. Read 9th Aug., 1721.

3 pp. Enclosed,

514. i. Answer of the House of Representatives of the Massachusetts Bay to Governor Shute's Speech. March 21, 1720 (i) Complain that their bill for emitting £100,000 in *publick bills of credit* was rejected by the Council last sessions. A further medium of trade is needed. To prevent a further emission of bills depreciating those already outstanding, they passed a bill last sessions and again this to prevent exchanging silver at higher rates than stated by Act of Parliament. Had such an Act been made at the first issueing out the Paper Bills they had to this day been in equal value to silver money *etc.* The reason why the bill to prevent trading with the French at Cape Briton did not pass the House last sessions was because such an Act could add no power to the Treaty of Neutrality. If any do so trade there, (and they know of none such) "those Gentlemen commissioned from home to inspect those matters doubtless have and will discharge their duty." Had proper methods been taken to discover and punish the inventor or publisher of a libell called News from Robinson Cruso's Island reflecting upon the Representatives last session, few would have dared to publish any others of that nature. Should an Act be made to prevent the printing any book or paper without licence first obtained from the Governoour no one can foresee the innumerable inconveniencies and dangerous circumstances this people might labour under in a little time. For this Court to send a present to the Five Indian Nations in conjunction with some of our neighbours we cannot think adviseable at this time for as we know not what number of families those Nations consist of neither are we apprized what our neighbours intend to send them *etc.* We still apprehend the allowances of this year to your Excellency is as much as the honour and service of this Government call for *etc.* *Signed,* Timo. Lindall, Speaker. *Same endorsement.* 3 pp. [C.O. 5, 868. ff. 66-67, 68v.-70v.]

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June 7. **515.** Council of Trade and Plantations to Lord Carteret.
Whitehall. Enclose copy of Lt. Governor Bennett's letter, 21st April,
relating to pirates. [C.O. 38, 7. p. 367.]

June 7. **516.** Mr. Popple to Mr. Burchett. *As preceding*, for the
Whitehall. information of the Lords Commrs. of the Admiralty. [C.O.
38, 7. p. 368.]

June 7. **517.** Judge Scrutton to J. F. [Col. Frere]. After ye 8
Barbados. members of ye Assembly made yt. glorious retreat President Cox convened ym. for ye Tuesday following to make provision for ye reception of ye Lord Irwin, Col. Ramsay by appointment of his bretheren waited on ye President wh. ye Remonstrance etc. (v. 13th May). When he found yt. speceous pretence would not decoy our friends into a snare he putt several queres to ye Attorney General in writing which were answered but not agreeable to his designs notwithstanding ye opinion of ye Attorney General yt. ye President could not issue new writtes for ye eight members whout. ye whole yet he hath attempted to issue writtes for ye sd. four Parishes wh. writtes for St. James and St. Andrews where ye writtes were stifled, as for ye two last parishes we are very secure by wch. you may see what was ye occasion of those two writtes were suprest. St. Phillips and St. Thomas are in great danger our adversarys having made in ye first forty eight or fifty new votes and in ye latter twenty-eight, Mr. Harper hath made thirteen out of his own estate yt. doth not consist above 150 acres. *Encloses* Representation signed by eleven parishes etc. *Continues*: We had on Munday last a Corke man yt. brought ye unfortunate news, (if it be true) of ye death of ye Lord Irwin who departed this life ye 10th of April last of ye small-pox. This acct. hath wonderfully damped ye sperits of our friends and not a little invigorated our enemys etc. You and our friends at home must secure his successor etc. If [Mr. Cox's] government remains six months without some check we shall be obliged to quitt and go off, etc. 5th of this instant came on ye Election for ye six parishes, St. James had no opposition, St. John, St. Lucie and St. Andrews we carried wth. great majority, St. Philips was carried by near twenty. Judge Sanford had putt up John Sanford instead of Thomas and there were near thirty votes upon ye poll before ye mistake was discovered wch. he immediately rectified by seraching John out and putting in Thomas, this is a step very extraordinary but we are become so accustomed to ym. of late, yt. we cannot think anything strange and illegal. St. Thomas election we should have carried but our adversarys perceiveing themselves outdone fell to quarrelling and in ye hurly burly broke up ye poll, they riding ye fore horse at yt. juncture. I do not doubt but Mr. Prideaux will make a return in favour of Messrs. Downes

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and Harper. Ye Representatives of ye four parishes yt were expelled by ye President entered a protest to ye Sheriff of each parish (*enclosed*). Th(e) Bristol snow yt. ye President was willing to compliment you wh. passage in sailed hence but fryday last. *Signed*, Edmund Sutton. *Endorsed*, Reed. from Colo. Frere. Read 27th July, 1721. Extract sent to Lord Carteret. 28th July. $1\frac{1}{2}$ pp. *Enclosed*,

517. i. Protest by Messrs. Carter & Spencer to the Sherrif of St. Thomas. Barbados, 5th June, 1721. Protest against the holding of a new election, they having been duly elected on April 18th last, and there having been no dissolution of the Assembly since, "nor have we been expelled the house, or our election declared void where elections are properly determinable," etc. *Signed*, John Carter, Thos. Spencer. *Endorsed as preceding*. 1 p.

517. ii. Representation and petition of Freeholders of the parish of St. James to Samuel Cox, President of the Council. By the Act to *preserve the freedom of elections*, it is enacted that all writs for electing the Representatives shall be published in the several churches the three next succeeding Sundays following the date thereof by the minister of the parish and that upon calling of an Assembly all elections throughout the Island shall begin in one day. In spite of petitions from the parishes of St. James and St. Andrews over hills, preferred to your Excellency after writs had been published twice out of the necessary three times in the other nine parishes, elections for the said nine parishes were permitted to be made before any publication of writs in said two parishes. *Refer to Remonstrance of the eight members (May 13. No. i). Continue*:— Within three days after sd. Remonstrance was laid before your honour, writts issued for choosing representatives for St. Philips, St. Johns, St. Thomas and St. Lucy's, as also for St. James and St. Andrews. The eight members for the four former parishes are in full life and resident in the Island, and have not been expelled from the Assembly of which they were elected, returned and sworn Members, nor has the Assembly been dissolved. Only in such cases can new writs be issued according to above Law. They are ready to do their duty as Members of Assembly, as soon as an opportunity shall be given for the whole body of the Island to be represented according to the law aforesaid etc. *Pray H.E. to abide by the law and approved precedents of long standing etc. Same endorsement. Copy. $2\frac{3}{4}$ pp.*

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517. iii. Petition of the Freeholders of St. James' parish to Mr. Cox. Writs having been issued for electing representatives and published for the first and second time in all the Churches excepting those of St. James and St. Andrews, pray H.E. to order that all elections may begin in one day *etc.* according to the law, and that enquiry be made how and by what meanes the writ lately issued for the parish of St. James was not published at the same time as the writs for the other parishes *etc.* Signed, Edmund Sutton, Robt. Yeamons and 30 others. Same endorsement. 1 p. [C.O. 28, 17. ff. 161-162, 163-164v., 165v., 166v.-167v.]

- June 8. 518. Governor Shute to Mr. Delafaye. Acknowledges letter Boston, New England. of 6th Oct., with orders relating to striking bills of credit *etc.* "which came not to my hands untill the 3d. of June." Signed, Samll. Shute. Endorsed, R. Aug. 2nd. 1 p. [C.O. 5, 898. No. 30.]

- June 9. 519. Council of Trade and Plantations to the King. Whitehall. Recommend Capt. Henry Tucker, Capts. John and Richard Jennings to fill vacancies in the Council of Bermuda, as proposed by Lt. Gov. Bennett. [C.O. 38, 7. p. 369.]

- June 10. 520. Mr. Carkesse to Mr. Popple. Encloses following. Custom ho. Signed, Cha. Carkesse. Endorsed, Reed. 12th, Read 14th June, Londo. 1721. Addressed. 1 p. Enclosed,

520. i. Francis Harrison, Surveyor of Customs, New York, to the Commissioners of Customs. New York, April 17th, 1721. Having signified that I was apprehensive that the copper oare which now rises very rich in a new discover'd mine of one Mr. Schuyler in New Jersey would soon be carried into the channell of our trade to Holland *etc.*, there is now shipt on board the snow *Unity*, Robert Leonard Master, for Holland, 110 casks of said oare, which we have not any law at present to prevent *etc.* Signed, Francis Harrison. Copy. $\frac{3}{4}$ p. [C.O. 5, 971. Nos. 90, 90. i.]

- June 11. 521. Order of King in Council. Appointing Capt. Henry St. James's. Tucker, Capt. John Jennings, and Capt. Richard Jennings to the Council of Bermuda, as recommended 9th June. Signed, Robert Hales. Endorsed, Reed. 16th, Read 20th June, 1721. 1 p. [C.O. 37, 10. No. 18.]

- June 12. 522. Mr. Popple to Mr. Carkesse. Acknowledges letter Whitehall. 10th June and presses for reply to April 6th. [C.O. 29, 14. pp. 118, 119.]

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June 12. *Jamaica.*

523. Governor Sir N. Lawes to the Council of Trade and Plantations. Since my last letter (20th April), I have not been honoured with any of your commands and tho' nothing materiall has occurred yet I could not let slip so good an opportunity by the return of H.M.S. *Mary etc.* Our new Assembly is to meet on the 20th instant. I heartily wish they may come together with a disposition to serve their King and Country but I must freely own to your Lordships that I cannot any longer undertake for them haveing in the last Assembly's proceedings seen so much stupidity ignorance and want of duty to the best of Sovereigns that I am allmost fully convinced the best way of bringing these people to a temper and render the King's Government here easy will be by settleing H.M. Revenue at home by Act of Parliament etc. *Refers to proposal in letter of 20th April. Continues:*—But one thing I had omitted to acquaint your Lordships and that is in the last additional duty bill there is a tax laid on the Jews of £1000 which considereing their present circumstances I think too heavy for them annually to bear. I am therefore of opinion that clause should be left out and leave it with the Governor and Council to tax the Jews more or less as they shall find their number encrease or decrease and their circumstances able to [be] bear it. I perswade myself your Lordships will concurr in opinion with me that some such expedient as I have proposed is become now absolutely necessary to be put in practise in order to keep up the honour and dignity of H.M. Government here and I must freely own that publick credit is become so bad that I can get neither tradesmen or any other person to trust the publick for a farthing. Haveing thus discharged my duty in representing the true state and condition of our present circumstances I hope your Lordships will from thence judge it necessary to lay the same before H.M. for his directions therein. I beg your Lordships will pardon my importunity in so often repeating the absolute necessity we lye under of gunns for the new erected line at Port Royall without which 'twill be of no manner of use and the country is not in a condition to bear such an expence etc. *repeats 20th April. Encloses* "tryall of the Pirates who have been executed here which has had good effect these seas haveing been more free of late from such villains than for some time before" etc. The country in generall is very healthy but we have had of late dryer weather than usuall. The Spaniards are very strickt in guarding their coast from all manner of trade with them they seize and condemn every vessell they can make themselves masters of which makes trade dull and mony scarce. *Signed,* Nicholas Lawes. *Endorsed, Reed. 14th, Read 17th Aug. 1721.*

3¹/₂ pp. Enclosed,

523. i. Printed copy of the Tryals of Captain John Rackham and 10 other pirates (*named*), who were all condemn'd for piracy at the town of St. Jago de la Vega, in the

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Island of Jamaica, on the sixteenth and seventeenth days of November 1720. As also, The Tryals of Mary Read and Anne Bonnay *etc.* and [of Charles Vane and] others, who were also condemned for piracy. Also, a true Copy of the Act of Parliament made for the more effectual suppression of piracy. *Jamaica: Printed by Robert Baldwin, in the year 1721.* *The women, spinsters of Providence Island, were proved to have taken an active part in piracies, wearing men's clothes and armed etc. Being quick with child, their sentence was suspended. Same endorsement.* 44 printed pp. [C.O. 137, 14. ff. 6-7v., 8v.-30v., 31v.]

June 12. **524.** Lord Carteret to the Council of Trade and Plantations. H.M. having been pleased to appoint George Phenney Esqr. to be Governor of the Bahama Islands, in the room of Woodes Rogers Esqr., I desire that you will please to direct the draughts of his Commission and Instructions to be prepared *etc.* *Signed,* Carteret. *Endorsed,* Reed. Read 14th June, 1721. $\frac{1}{2}$ p. [C.O. 23, 1. No. 32.]

June 13. **525.** Council of Trade and Plantations to Lord Carteret. Whitehall. Enclose following, to be laid before H.M. *Annexed,*
525. i. Council of Trade and Plantations to the King.
Recommend Philip Livingston for H.M. Commission for the places his father desires to resign, as proposed by Governor Burnet. 4 $\frac{1}{2}$ pp. [C.O. 5, 1079. Nos. 124, 125; and 5, 1124. pp. 256-261.]

June 13. **526.** Council of Trade and Plantations to the King. Whitehall. Recommend Andrew Auchenleck for the Council of Bermuda, *etc.* [C.O. 38, 7. pp. 460, 461.]

June 13. **527.** Mr. Burchett to Mr. Popple. Encloses following for Admiralty Office. their Lordships' information. *Signed,* J. Burchett. *Endorsed,* Reed. 14th, Read 15th June, 1721. 1 p. *Enclosed,*
527. i. Capt. Vernon, Commander in Chief of H.M. ships at Jamaica, to Mr. Burchett. 8th March, 1720. (i) *Replies to complaint as to taking etc. of the Spanish privateer sloop Revenge, "commanded by Simon Mascarino a Portuguese and noted villain in these parts where he has been privatier and pirate above 20 years."* By his Instructions, (*enclosed*) dated at St. Jago it fully appears he was fitted out with a fresh Commission to take English ships and vessels, and to pillage the coasts of this Island. The very day I took him he had taken a Jamaica Scooner, the cargo of which I found in his sloop *etc.* Which made him a good prize notwithstanding the cessation and I

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believe no one can doubt the legality of his condemnation which was likewise the day before the Proclamation for the cessation of arms came to my hands which I have strictly conformed to ever since. *Replies to Spanish Consul's representation.* He was going to St. Domingo to complete his crew, not for trading, but privateering off the coast of Jamaica. His crew was made up of all nations and colours. Seven or eight French I sent up to the French Governor of St. Domingo, and they were executed as traytors, as three of H.M. subjects taken in her have been here; and the Spaniards having dealt very cruelly with H.M. subjects taken this war to my knowledge, some English prisoners escaped on board me off the Havanna, and by the relation of Mr. Farrell was an eye witness of it, and without whose charitable releif they would have perished being worked worse than slaves in carrying stones to repair the fortifications, and not allow'd wherewith to subsist them, a barbarity I believe never practiced before; and these being the most profligate of their own nation a mungrell breed of all colours, such as were negroes and malatoes and could not produce a testimonial of their freedom (which some did and were clear'd) were sold at publick outcry as is usual for other slaves, which number was not above eight, the form of the testimonials was a copy of the registry of their freedom attested by a notary publick, and had any of those sold been so that evidence would have been sent to the Governor here before now there having been two or three sloops here since from St. Iago, *etc.*, and they would have been released, the buyers taking them at that risk *etc.* The Governor of the Havana has given much greater cause of complaint, for of all free negroes and malatoes that they took of ours upon the wrecks they have never cleared any tho' the testimonials of their freedom have been sent to him attested by the Governors. As to an Ensign of Foot, that is the first allegation of that kind that ever I heard of *etc.* I can't but think they are attempting at quibbling, to prove him an Ensign of Foot by his garments not containing the dimensions of a foot of an Ensign, *etc.* As to the deponents I suppose they are part of the crew that were carried home in merchant ships by the Governor sending the Marshall to the masters to offer them to those that would take them as a service to the country to give such profligate villains a march. And the Spaniards forced even the men taken in our merchant ships to sail on board their galleons both in the country and to carry them

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home to Spain *etc.* This very sloop the *Revenge* was taken from us by one of their pretended guarda de costa's on the South side of this Island before the Declaration of the late war. *Signed*, E. Vernon.
5 pp.

527. ii. (a) Extract of letter from Capt. Vernon to the Lords Commissioners of the Admiralty, June, 1720, relating to capture of the *Revenge*, and (b) Extract from Capt. Masearino's Instructions to cruise as privateer against the English and to land and pillage the coast of Jamaica. Dated, 3rd June, 1720. 3½ pp.
527. iii. Extract of letter from Capt. Vernon to Mr. Burchett, 7th Nov. 1720. *Refers to* letter 1st Oct., informing their Lordships of the many invasions that have been artfully contrived, for shelt'ring many villains and traytors *etc.* One of the three of H.M. subjects I took in arms in the Spanish privatier was tryed at the Grand Court and executed, and the other two remaining on board were appointed to be tryed by a Commission of Oyer and Terminer issued by the Governor for trying them, and about a dozen more that are in the gaols, which method of proceeding was entirely knocked on the head, by the Judge of the Admiralty throwing up his Commission, assigning for his reasons, that he found he disengaged his friends by it. This gentleman whose name is Savile came from Ireland, and has not been long in this Island, and is well known to have but two who are remarkably his friends, Peter Beckford and Edmond Kelly, the Attorney General, who I have heard it said, has given it his opinion to Mr. Savile under his hand, before he threw up his commission, that he might legally do so alledging Sir Mathew Hales for a president *etc.* This case is direct contumacy, and the Attorney General has the Governour's orders for prosecuting him, for the said contumacy, which he seems very averse to execute. But there has been a remarkable instance of partiality in his favour, on his being committed by the Governour's warrant for the said contumacy, he was immediately released without any bail being demanded. No one doubts but it was done at the instigation of these two Gentlemen *etc.* I believe the Attorney's reasons is, that the two persons I have on board my ship, being both Papists, the private directors of his conscience have influenced him to shelter them from justice. He came into this country under the patronage of Mr. Totterdale. Major Howard of Brigadier's Regiment; was warned against him by a friend in Ireland as a concealed Papist *etc.*

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Quotes other evidence. Refers to Governor's Speech to the Assembly, 4th Oct., and their proceedings of 6th Oct., "full of insolence to the King" and his own comments thereon, as also upon "another scheme, which is called Mr. Beckford's, for to have leave to raise 600 men in England, and so to have them regimented here, under the command of the Militia Officers of this Island" etc. The Attorney General, fearing I should complain against him, for conniving at the informations that had been for some time lodged with him against one Dunks a tavern keeper of Port Royal, for supplying men and provisions to Miller the pirate, and against Capt. Dennis and his quarter-master, for permitting Brown to escape after he had taken him; he came down to Port Royal and imposed on me in that affair by a grimace of carrying on a prosecution against them for it, which I find since was only to amuse me for that time, for having order'd Capt. Chamberlayne to enquire of the Marshall at Port Royall, what became of those prisoners, he return'd me an account etc., by which it appears, he clear'd those people, the very night after he had committed them, John Dunks on his own bail, and the others without any bail at all. The Attorney General, in a Speech he made to the Assembly, above a twelvemonth ago to spirit them up to oppose the payment of Lord Hamilton's arrears, he said, that one King had lost his head, and another had been abdicated, for less crimes than Lord Hamilton. I am sure it is my opinion, that their leaders are artfully conducting them into measures of insulting the Government, in order afterwards to argue the necessity of sheltering themselves under a foreign Government to protect them from being punished for their insolence to their own. And when it is consider'd, that the concealed Papist has filled most of the posts of the Government here, with native Irish, whose religion and loyalty to this Government is very much suspected, and who are absolute creatures and dependants of his, perhaps I may not be thought to be very wide from the truth etc. I verily believe, if some care be not taken at home, to raise a revenue here, sufficient to support the necessary exigencies of the Government, that it will be found, they are only weaking it here in order to betray it. There are 200 English at Trinidad, besides French, Dutch and Spaniards, that follow this pirating trade, and I fear, if there be not orders for reprizals to be made on the Spaniards, and so oblige them to dislodge these rogues which they now shelter for the profit they receive by them, that will grow

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a general receptacle for such banditti, and very much impoverish this Island by their frequent excursions in perriago's and launches, which can't be prevented by the Navy of England, if they were here, for the daily intelligence they have from thence, will caution them, to keep out of the way of our ships, who, if they should see them, would, unless by a favourable accident, have no better chance than a cow after a hare. *Encloses copy of the Assembly's lying preamble to their Bill for fitting out two sloops etc., with his notes upon it.* The Governour has adjourned the Assembly to the 19th Jan., tho' they have not yet reimbursed the revenue, nor provided for subsisting the soldiers, otherwise than by a note of credit, which I believe their daily incroachments on the prerogative of the Crown has made him judge it necessary. 14 pp.

527. iv. Extract of letter from Capt. Vernon to Mr. Burchett. Cape Dona Maria, 27th Jan., 172^o. I can't find by any intelligence I can get that the Pyrats are any where out in sloops in these parts, but only in perriagoes etc. with which, since my sailing from Port Royall they have taken two Jamaica sloops, and robbed a Plantation of 20 negroes, notwithstanding the two country sloops were both out at sea to protect the coast, which they will have enough to doe, if some measures are not taken to prevent the Spaniards from sheltering the pyrats at Trinidad, which they do now in a more open manner than ever the Governours of Jamaica formerly shelter'd them there, and this Island is like to smart for a practice of their own bringing up, if care be not taken to have it redressed by orders from the Court of Spain. I have met with a small Spanish sloop in my cruize bound to Legane the master of which told me several of the Alcades and particularly that of Trinidad were lately brought prisoners to the Havana, and that it was beleived some of them would be hanged for sheltering the pyrats particularly a notorious one of Trinidad etc. I hear there is another gang of about 100 that harbour on the north side of Hispaniola, which are likewise in periagos and rob only in that neighbourhood, and I hear several of them say they are too wise to venture in sloops, for they know nothing but the gallows will attend that, and this I fear is not to be suppressed if the Spanish Governours are allowed to countenance them etc.
527. iv. Extract of letter from Capt. Vernon to Mr. Burchett, 7th March, 172^o. *Refers to correspondence with the Governor and depositions relating to searching of*

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- ships etc. (v. 28th Dec. 1720 etc.) Robert Hall was no Port Officer, as the Governour suggests, but a Gunner of the Fort, with a warrant from the Receiver General etc. 7 pp. *Endorsed*, Recd. 14th, Read 15th June, 1721.
527. v. Capt. Vernon to Governor Sir N. Lawes, 11th Feb., 172 $\frac{1}{2}$. So soon as the *Adventure* can be compleated for the sea, she will cruize to windward for the protection of the outward bound trade from Great Britain etc. Asks for information of pirates, and for copies of depositions which H.E. has sent home etc. *Signed*, E. Vernon. *Copy*. 1 $\frac{3}{4}$ pp.
527. vi. *Same to Same*. 15th Feb., 172 $\frac{1}{2}$. Relating to depositions etc. *Copy*. 3 pp.
527. vii. *Same to Same*. Relating to depositions etc. *Endorsed*, Reed. 14th, Read 15th June, 1721. *Copy*. 1 p.
527. viii. Governor Sir N. Lawes to Capt. Vernon, 14th Feb., 172 $\frac{1}{2}$. Encloses copies of depositions "in relation to your proceedings in preventing the Port Officers from doing their duty on board the *John galley*" etc. *Copy*. 2 pp.
527. ix. *Same to Same*. 22nd Feb., 172 $\frac{1}{2}$. As to Mr. Mills not being a Port Officer, tho' the Receiver General and his deputies are not mentioned in the Acts of Parliament as Port Officers, yet by several laws in this country, confirmed by H.M., he is named as such, particularly in the Act of Revenue which lays a duty of 18d. a pound on foreign indigo etc. I observe by your letter of the 18th that Mr. Lawes, Lieutenant of the *Happy*, has been denied restitution from the Aleades of Trinidado for the late depredations committed on H.M. subjects of this Island by the Spaniards of that place, and that you have taken the opportunity by Mr. Farrel of writing to the Governour of the Havanna demanding restitution etc. I hope your letter may have more weight with that gentleman, than several of mine on that subject have had etc. I hope the late restitution made here to the Spaniards pursuant to the King's Proclamation for the cessation of arms, will be an inducement to them to do us the like justice etc. I have no directions whatever to make reprizals etc. *Copy*. *Same endorsement*. 3 $\frac{1}{2}$ pp.
527. x. *Same to the Council of Trade and Plantations*. Extract. v. C.S.P. 28th Dec., 1720. *Same endorsement*. 1 $\frac{1}{2}$ pp.
527. xi. Copy of clause in Revenue Act of Jamaica as to the power of the Receiver General or his deputies for seizing goods etc. *Same endorsement*. 2 $\frac{1}{2}$ pp.

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527. xii. Address of the Assembly of Jamaica to Governor Sir N. Lawes. *Express concern* at that part of H.E.'s answer to their Address "which seems to charge us with having declined, or delayed the doing of anything incumbent upon us to do for the supporting of H.M. Government" etc. We are assured that the provision made by this Assembly (notwithstanding the present deplorable poverty of the Island) have far exceeded the demands of other Governours in the time of its utmost prosperity etc. We are confident that the provision we have made had (if duly collected and applied) been more than sufficient to answer any exigencies of this Government, and as the collecting of those supplies is intrusted to other persons, whose default (if any) cannot in any reason be charged upon this house, so we are very confident that such an imputation upon us could not [have] proceeded from your Excellency without the artifice and insinuation of such persons, as have private views to serve by endeavouring to misrepresent us at home, and to lessen the people of this Island in H.M. esteem and good opinion, than which there can be nothing more dear to us. It is far from our thoughts to aim at any power of dispensing with any known law or treaty by any vote of our house etc. The ascertaining of those immunities of persons of our own members which are essential to the very being of Assemblies we take to be our duty and hope yr. Excelley. will not take offence therat or at our just concern for the liberty of the subject. The frequent expressions of good will to this Island which your Excy. has been pleased to declare unto us, and the resentment of the many injuries we have received from the Spaniards expressed in one of your letters gave us a great encouragement in the presenting our late Address, and leave us no room to doubt, but that your Excy. will still prefer our humble desires in the behalf of the suffering inhabitants of this Island to the demands of a people whose Governour has denied any restitution to the subjects of H.M. and who violate all laws and treatys by encouraging and protecting banditti, notorious robbers and traitors to the infesting of this Island and the ruin of its trade and people. As we are humbly of opinion, that no restitution of a lawfull capture ought to be awarded to any claimer unless he has made out his claim thereunto in a legal course, either in a Court of Admiralty or Delegates, from whence all parties concerned may prosecute their appeal, so there having not for some time past been

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- any such Court in this Island, we cannot but be surprised to hear of an order for restitution, which in its self must appear to be extra-judicial and void. As H.M. ships of war on this station are sent hither for H.M. service and the good and welfare of the inhabitants, we doubt not but (on proper application) they would have demanded satisfaction of the Spaniards without putting the Treasury to expence or the suffering subjects to charge, who at present labour under misfortunes. *Same endorsement.* $3\frac{1}{2}$ pp.
527. xiii. Copy of Receiver General's warrant to Robert Hall. Duplicate of 18th May No. iii (b). *Same endorsement.* $\frac{1}{2}$ p.
527. xiv. Governor Sir N. Lawes to Capt. Thomas Brooke. Duplicate of 28th Dec. 1720. No. (i). *Same endorsement.* $1\frac{1}{8}$ pp.
527. xv. Copy of Act of Jamaica for fitting out sloops for guarding the coasts etc. The "lying preamble" referred to above, runs:—Whereas [to] the great damage and impoverishment of H.M. subjects, as well as to the discouragement of his merchants and others trading hither, it hath been found by too sad experience that H.M. ships of war ordered here for the encouragement of trade and defence of this Island have not so effectually answered the end for which they were sent hither as might have been expected more especially guarding the sea coast and out parts thereof, whereby a great many ships sloops and other vessels as well belonging to this his said Island as coming and trading thereto from other parts of H.M. Dominions have been taken in sight thereof by pirates and vessels fitted out and commissioned by the subjects of the King of Spain under pretence of guarding their own coast to the great dishonour of H.M. as well as irreparable loss and detriment of his true and faithfull subjects etc. *Same endorsement. Copy.* $1\frac{1}{2}$ pp.
527. xvi. Deposition of James Clarke, 27th Feb., 1721, Port Royal, as to Capt. Vernon's stopping the seizure of outward-bound vessels etc. (v. 28th Dec. 1720 etc.) *Signed, Jas. Clarke.* $3\frac{1}{4}$ pp.
527. xvii. Depositions of John Lewis, Wm. Hayman and John Cavelier, as to the same. 1st March, 1721. *Copies. The whole.* $3\frac{1}{4}$ pp.
527. xviii. Deposition of Lieut. William Swale, H.M.S. *Mary*, as to the same. 15th Feb., 1721. *Copy.* 3 pp.
527. xix. Deposition of Capt. Brooke and Lt. Col. Delaunay. Duplicates of 28th Dec. 1720. No. iii.

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527. xx. Deposition of Leopold de Stapleton, as to same. 24th Feb., 1721. *Nos.* xvi-xx. *Endorsed*, Reed. 14th, Read 15th June, 1721. $2\frac{1}{2}$ pp.
527. xxi. Deposition of Robert Hall. Duplicate of 28th Dec. 1720. *No.* vi.
527. xxii. Deposition of Daniel Williams. Duplicate of 28th Dec. 1720. *No.* iv.
527. xxiii. Deposition of Lt. Joseph Lawes, H.M.S. *Happy*, as to same. 4th March, 1721. *Signed*, Jos. Lawes. 2 pp.
527. xxiv. Deposition of John Pooge and Philip Tuck, H.M.S. *Happy*, as to same. 1st March, 1721. *Signed*, John Pooge, Philip Tuck, his mark. 1 p.
527. xxv. Deposition of Thomas Righteous, serjeant. Duplicate of 28th Dec. 1720. *No.* V. *Nos.* xxi-xxv *endorsed*, Reed. 14th, Read 15th June, 1721.
527. xxvi. Deposition of Edwin Sandys junr., as to same. 27th Feb., 1721. $3\frac{1}{2}$ pp.
527. xxvii. Deposition of Thomas Righteous, serjeant, as to same. 2nd March, 1721. 1 p.
527. xxviii., xxix. Depositions of Richard Basnett of Kingston, merchant, as to same. 1st March, 1721. $4\frac{1}{2}$ pp.
527. xxx. Deposition of Capt. Brooke. Duplicate of 28th Dec., 1720. *No.* ii. *Nos.* xxvi-xxx. *endorsed*, Reed. 14th, Read 15 June, 1721.
527. xxxi. Advertisement by Capt. Thomas Brooke, offering reward of 5 pistoles for the arrest of Daniel Williams, late gunner of H.M. Fort on Port Royal, for forging his name and absconding etc. *Same endorsement*. *Copy*. 1 p.
527. xxxii. Capt. Vernon's Orders to Capt. Daver, H.M.S. *Adventure* to go a cruizing. 14th Feb. 1721. *Signed*, E. Vernon. *Same endorsement*. *Copy*. $2\frac{1}{2}$ pp.
527. xxxiii. Capt. Vernon to the Governor of St. Iago on Cuba, 18th June, 1720. Sends several Spanish prisoners taken by him off the Bahama Banks, and demands release of H.M. subjects prisoners in that port, taken by Spanish privateers etc. Has taken a privateer with a fresh commission from his Excellency about three weeks ago, which has been condemned etc. "I find you have other privateers still out. I have since my arrival here and this condemnation received H.M. Proclamation for ceasing all hostilities" etc. Desires to know whether he has received similar instructions, or will accept this intimation. *Signed*, E. Vernon. *Copy*. 2 pp.
527. xxxiv. (a) Capt. Vernon to the Marquis de Serel, Governor of St. Domingo and Liggan. 18th June,

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1720. Sends 7 French prisoners, who were taken in a canoe as they were deserting from that Government to the Spaniards at Cuba, and 7 taken in a Spanish privateer etc. *Urges* "a seasonable severity," and requests that deserters of ours be sent down here etc. *Signed*, E. Vernon. *Copy*. $1\frac{1}{2}$ pp.

(b) Governor the Marquis de Serel to Capt. Vernon. 16th Sept., 1720. Thanks for 7 deserters and 4 pirates received, whose prosecution he has ordered, and will send British deserters etc. *Copy*. *French*. $1\frac{1}{2}$ pp.

(c) Capt. Vernon to Governor the Marquis de Serel. 29th Aug., 1720. Having sent Capt. Chamberlayne in quest of two pirates harbouring about Crooked Island, who have plundered a New York sloop bound to this Port and are robbing the plantations of your Government, I advise your Excellency thereof etc. Their names are Porter and Fox, who were formerly pirates that surrendered themselves at Providence and took the benefit of the King's last pardon but are now returnd to their old courses, and I verily believe such rogues are never to be reclaimed but by a halter. *Requests co-operation etc*. *Reports* "another pirate of our Nation," commanded by one Miller who has been proclaimed a pirate at New York these six months, who came from Providence to get supplies of men and provisions at Jamaica, but was chased away by one of H.M. ships etc. *Believes* he has gone to join Porter and Fox etc. *Signed*, E. Vernon. *Copy*. $2\frac{1}{2}$ pp.

(d) Capt. Chamberlayne, H.M. Sloop *Happy*, to Capt. Vernon. 11th Oct., 1720. I put into Lusan and delivered your letter to the Marquis de Serel who will be very glad to concert measures with you etc. *Signed*, Cha. Chamberlayne. *Copy*. 1 p.

(e) Lt. Lawes of the *Happy* sloop to Capt. Vernon. 20th Oct., 1720. Nine days since one White came here from Providence etc. 14 days afterwards one Rackun run away with a sloop and took two more of that place etc. *Signed*, Jos. Lawes. *Copy*. $\frac{1}{2}$ p.

(f) Capt. Chamberlayne to Capt. Vernon. 27th Oct., 1720. Dunks, that was taken up for supplying the pirates, was set at liberty the same day only giving his own bond for £100 etc. *Signed*, Cha. Chamberlayne. *Copy*. $\frac{1}{4}$ p. Nos. xxxiii, and xxxxiv. *Endorsed*, Reed. 14th, Read 15th June, 1721.

527. xxxv. H.M. Warrant to Governor Sir N. Lawes for the payment of the debt due to Lord Archibald Hamilton. 15th Jan. 1720. *Copy*. $3\frac{1}{2}$ pp.

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527. xxxvi. (a) Speech of Governor Sir N. Lawes to the Assembly of Jamaica, 4th Oct., 1720. *Recommends* renewal and enlargement of Additional Duty Bill, the average yearly disbursements of 8 to £9,750 exceeding the income of the standing revenue by 3 to £4,000. Has issued an order in accordance with H.M. warrant preceding, to the Receiver General; "And I will not question but you will find yourselves obliged in duty to H.M. to enable the Treasury effectually to discharge that debt, which must first take place, and postpone all other payments till that be done" etc. etc. *Copy.* 7 pp.

(b) (c) Resolutions of the Assembly 28th Jan. 1720. Adhere to resolution not to pay "unjust demands" to Lord Hamilton, and the then Council, and, 6th Oct. 1720, if this pretended debt be paid by the Receiver General, not to reimburse the Treasury etc. *Copy.* 1 p.

(d) Minutes of Assembly of Jamaica, 8th Oct., 1720. The want of employment for seafaring people has proceeded from the decay of trade, which has been chiefly carried on by the men of war etc. 31st Oct. It was resolved to fit out two sloops for the protection of the coast; Capt. Vernon's offer to man and victual them was refused. *Copy.* 3 pp.

(e) Governor N. Lawes' Speech to the Assembly, 25th Oct. 1720. *Copy.* 3½ pp. Nos. xxxv, xxxvi. endorsed, Reed. 14th. Read 15th June, 1721. [C.O. 137, 13. Nos. 51, 51. i.-xxxvi.]

June 14. 528. Mr. Carkesse to Mr. Popple. *In reply to* 6th April. Custom ho., Encloses following observations by the Commissioners of London. Customs upon the Instructions to the Governor of Barbados. The 1st 3rd 4th 5th and 7th observations on the Instructions to Sir N. Laws, enclosed 30th July, 1717, they have made the like observations on the present draft etc. *Repeats* complaint, 30th July, 1717, from Surveyor General and other officers of the Customs on the Continent and in the Islands that they are frequently obliged to serve on juries, and personally to appear in arms whenever the Militia is drawn out, and thereby are very much hindered in the execution of their duty etc. The Commissioners desire the Council of Trade that all Governors may have Instructions to excuse Officers of the Customs from appearing in arms or serving on juries or any parochial offices which may hinder them in the execution of their duties, unless in case of absolute necessity, in like manner as they are exempted here. *Signed,* Cha. Carkesse. *Endorsed,* Reed. 15th, Read 20th June, 1721. *Addressed.* 2 pp. *Enclosed,*

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528. i. Observations by the Commissioners of Customs upon the Instructions of the Governor of Barbados, *referred to in preceding.* $1\frac{3}{4}$ pp. [C.O. 28, 17. ff. 134-135v., 137v.]

- June 14. 529. Mr. Humphreys, Secretary to the Society for the Propagation of the Gospel in Foreign Parts, to Mr. Popple. *Encloses following. Concludes:* The Society have appointed some of their members Gentlemen of that Island to explain further the said reasons whenever their Lordships shall please etc. *Signed,* David Humphreys, *Secretary.* *Endorsed,* Recd. 16th, Read 20th June, 1721. $\frac{3}{4}$ p. *Enclosed,*

529. i. Society for the Propagation of the Gospel in foreign parts to the Council of Trade and Plantations. In reply to 18th May, state their objections to Act of Barbados, 1718, *granting liberty to the inhabitants to load and unload from any bay or harbour etc.* The Society is seized in fee of a considerable plantation in the parish of St. John called Consets devised to it by the General Codrington. Conset Bay has never been a common bay or creek, but by this law every inhabitant being intituled to have laid out for him a new way to any bay or creek, the Society's estate will be exposed to continual injury and expense etc. *Signed as preceding.* $2\frac{1}{2}$ pp. [C.O. 28, 17. ff. 138, 139-140, 141v.].

- June 15. 530. William Hammerton to [Lord Carteret] General Nicholson hath given me a Commission for Naval Officer etc. Compliments etc. *Signed,* William Hammerton. 2 pp. [C.O. 5, 387. No. 25].

- June 15. 531. Mr. Gordon to the Council of Trade and Plantations. London. Presses for report upon the two Acts of Barbados concerning him, he being anxious to return thither and the merchant ship for that Island sailing this week etc. *Signed,* W. Gordon. *Endorsed,* Reed. 15th, Read 21st June, 1721. 2 pp. [C.O. 28, 17. ff. 142, 142v., 143v.].

- June 17. 532. H.M. Warrant for admitting Henry Tucker, John Jennings and Richard Jennings to the Council of Bermuda in the room of Michael Burrows, Benjamin Hinson and John Peasley, decd. Countersigned, Carteret. Copy. [C.O. 324, 34. p. 58.]

- June 18. 533. Governor Burnet to the Council of Trade and Plantations. New York. Acknowledges letter of 28th Dec. Continues: I was very glad to have your Lordships' approbation of my continuing the same Assembly of New York. I have found the good effects of it, of which I have given particular accounts formerly and

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as they are now sitting I hope I shall find them in the same dispositions, of which I have no doubt. I wish I could say the same thing of the Assembly of New Jersey who have sat about four months to no manner of purpose they began with refusing to sit at all and desired to be desolved for that they were not a legal Assembly I at last perswaded them to meet but to no effect, but to shew that they would not serve either the Government or the country which after four months patience obliged me to desolve them *etc.* I will send your Lordships, the printed Speeches *etc.* during that sitting which contain the full History of it (*v. Aug. 1st.*) and make some proposals concerning them *etc.* I will make it my business to inform myself as directed by your Lordships concerning the state of the Palatines and that I shall do best when I go up to Albany near to which they are settled and this I propose to do in the fall of the year *etc.* I have received no commands from your Lordships since Dec. last, the *Greyhound* man of war being not arrived. P.S.— Tho' I have not yet a perfect account of the methods lately tryed to seduce the Sinnekees into the french interest, I am certainly inform'd that they have agreed to recieve Priests among them from the French which I look upon as a new cause of complaint against them and a breach of Treaty whereby they are required (Treaty of Utrecht Art. 15) *not to molest the five Nations* this besides their continuing to fortify at Niagara shew how much they take advantage of the unsettled state of the limits between the Crowns. *Encloses* Naval officer's accounts *etc.* Signed, W. Burnet. Endorsed, Reed. 1st, Read 2nd Aug. 1721. $3\frac{3}{4}$ pp. (*Duplicate, of which the original never came to hand.*) [C.O. 5, 1052. ff. 164, 165–166v., 169v. (with abstract)].

June 18. **534.** Governor Burnet to Lord Townshend. I reckon it a great happiness to depend so much on your Lordship, from whom I have received great favours so many years ago and by whose encouragement, I first turn'd my thoughts from the Church to publick business. I shall never forget the pleasure I had at the Hague, in being admitted so often to wait on your Lordship and with so much freedom. It has given me great uneasiness that I had not always the same opportunitys in England *etc. etc.* Asks for his assistance in obtaining H.M. approbation in Council of Act of New York, "by which a duty is raised of 2 p.c. on European goods imported here in order to fortify the frontier, which is very naked, and would be of no security in case of a rupture with the french. They are indeed here and all over the Continent undermining us all they can by instigating their Indians to spoil our out-plantations and lately by sending priests among our Indians of the five Nations to draw them from us *etc.*: they are too at this time fortifying at Niagara, which has been long ago deemed to belong to our Indians and included in their submission of their whole

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country to the Crown of Great Britain. While the limits are unsettled the French loose no time to make all possible encroachments, and I hope your Lordship approves my earnestness to prevent them, for which end I did upon my first arrival obtain the Act I have recommended to be confirmed etc. *Signed*, W. Burnet. A duplicate, sent on 28th June. $2\frac{1}{2}$ pp. [C.O. 5, 1092. No. 18.]

June 19. **535.** Governor Philips to the Council of Trade and Plantations. It being a misfortune almost inseperable from men in stations to be exposed to the detraction of the wicked and malitious, be theire actions never so just and unblameable, I have (within few days past) discover'd this to have been my fate, by haveing had recourse to a letter booke of one Washington Lieutenant to the Ordnance, (the most scandalous wretch upon the earth) who has (from time to time) entertain'd that Board at mine and the Officers expence of this Garrison in a most false, insolent and infamous manner. *Encloses* following and *asks for* their Lordships' protection. *Signed*, R. Philipps. *Endorsed*, Recd. 8th, Read 13th Sept., 1721. 2 pp. *Enclosed*,

535. i. (a) John Washington to Thomas Tickell, Deputy Secretary of State. Annapolis Royall, Oct. 22, 1719. Encloses following correspondence for his consideration.

(b) *Same* to Michael Richards, Surveyor General, and the Board of Ordnance, and Major Lawrence Armstrong at Canso. Oct. 22, 1719—May 9, 1721. *Complains* that the officers of the Garrison are all linked together to oppress the persons belonging to the Office of Ordnance and to reduce the Train to the reglement of the Regiment etc. They are all merchants, from the highest to the lowest and pay their people in rum, molasses and tobacco at their own prices etc. Details of Ordnance stores accounts. *Endorsed as preceding.* $14\frac{1}{2}$ pp.

535. ii. Governor Philipps to the Board of Ordnance. Annapolis Royall, 18th June, 1721. Replies to preceding. *Signed*, R. Philipps. *Same endorsement.* $10\frac{1}{2}$ pp.

535. iii. Lt. Governor Doucett and the Officers of the Garrison to the Board of Ordnance. *Reply to the false, malitious and incoherent charges* " of No. i. *Signed*, John Doucett and 10 others. Annapolis Royal, 13th June, 1721. *Same endorsement.* Copy. $20\frac{3}{4}$ pp.

535. iv. Address of Council of Nova Scotia to Governor Philipps. Express horror and amazement at Lt. Washington's charges. Washington is known to be a most notorious lyar, and so abominably obscene and profane in his ordinary conversation that he is unfit for humane society, his word and honour no one can

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rely on, spending most of his time in sutling houses, continually drunk *etc.* *Praise* the Governor's un-wearied zeal in promoting everything that might tend to the honour and interest of H.M. and the Brittish Nation and to the settlement of this Provincee. His justice and moderation have been conspicuous, particularly to the French inhabitants, in whose favour he has ventured to exceed your Instructions, but always acted with the advice of the Council, with the greatest circumspection and caution, *etc.* *Signed*, by all the members of H.M. Council. *Endorsed as preceding.* *Copy.* 3 pp.

535. v. Affidavits by Lt. Martin Groundman, Capt. John Blower, Serjant Alexander Watts, Lt. Governor Doucett, Christopher Aldridge, Capt. Joseph Bennett, Charles Toole, Joseph Toule, William Parr, Benjamin Weston, Griffeth Jones, Thomas Dobbin, William Johnson, John Bradstreet, William Winniett, as to Mr. Washington's letter-book, and in reply to his charges. June, 1721. *Same endorsement.* 6 $\frac{3}{4}$ pp. [C.O. 217, 4. ff. 2, 2v., 3v., 4, 5-12, 14-20, 21-31, 32-34, 35-38.]

June 20. 536. Council of Trade and Plantations to Lord Carteret.
Whitehall. Enclose following.

536. i. Draught of H.M. Commission to George Phenney to be Captain General and Governor in Chief of the Bahama Islands, and revoking that of Woodes Rogers. Draft of Instructions to same. The same verbatim as those of Governor Rogers, Nov. 21, 1717. [C.O. 24, 1. pp. 55, 56.]

June 20. 537. Mr. Popple to Mr. Lowndes. *Encloses* Mr. Harrison's letter (v. June 10th) to be laid before the Lords Commrs. of the Treasury. *Concludes:* As there is no law to prevent the carrying of oar from the Plantations, the Lords Commrs. of Trade think that this practice may be of such consequence to H.M. Revenue, that it do's deserve to be consider'd in Parliament, in order to be prevented by some Act to be pass'd for that purpose. [C.O. 5, 996. pp. 105, 106.]

June 21. 538. Bryan Wheelock, Acting Secretary to the Council of Trade and Plantations, to David Humphreys. *Reply to* 14th June. Friday at 10 of the clock is appointed for reconsidering the Act of Barbados *referred to* and hearing the S.P.G. [C.O. 29, 14. pp. 120, 121.]

June 21. 539. Extent and Inquisition taken thereupon, for a debt of £700 sterl. due from some merchants in Antigua to Mr.

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Benja. Blundell, junr., late Receiver General for Leicestershire.
Endorsed, Recd. 5th, Read 11th July, 1721. *Copy. Latin.*
 1 large p. [C.O. 152, 13. ff. 257, 257v.]

June 21. **540.** Similar extent and inquisition for a debt of £250 due from a merchant in S. Carolina. *Endorsed as preceding. Copy. Latin.* 1 large p. [C.O. 5, 358. ff. 84, 84v.]

June 21. **541.** Copy of the extent and inquisition taken thereupon for a debt of £1925 sterling due from Messrs. Palmer and Balston, merchants in New England, to Benja. Blundell jr., etc. *Signed,* Geo. Wilson, Soll. to the Commrs. for Taxes. *Endorsed, Recd.* (from the Agents for Taxes) 5th, Read 11th July, 1721. 1 large p. [C.O. 5, 868. ff. 62, 62v.]

June 21. **542.** Extent and inquisition taken thereupon, for a debt of £500 due from some merchants in Barbados to Benjamin Blundell, jr., etc. *Endorsed, Recd. 5th, Read 11th July, 1721. Latin. Copy.* 1 large p. [C.O. 28, 17. ff. 154, 154v.]

June 21. **543.** Mr. Carkesse to Mr. Popple. Desires copies of proceedings at Barbados relating to a ship which lately put in there, bound from the East Indies to Ostend. *Signed,* Cha. Carkesse. *Endorsed, Recd. 21st, Read 22nd June, 1721. Addressed.* $\frac{3}{4}$ p. [C.O. 28, 17. ff. 144, 145v.]

June 22. **544.** Mr. Popple to Mr. Carkesse. *Reply to preceding.* No account has been received of any proceedings at Barbados relating to such ship etc. [C.O. 29, 14. pp. 121, 122.]

June 22. **545.** Petition of Lewis Piers and Cecilia his wife to the Council of Trade and Plantations. *Prays for report upon petition referred to them about 3 years ago for confirmation of certain premisses in Montserrat. Petitioners are reduced to great poverty etc.* *Signed,* Lew. Piers, Cecilia Piers. *Endorsed, Recd. Read 22nd June, 1721. $\frac{3}{4}$ p.* [C.O. 152, 13. ff. 52, 53v.]

June 23. **546.** Mr. Bobin to [?Lord Carteret]. I pray your honour to send my request to the Treasury, according to your promise, in order that, having received some money, I may be able to work at some great affair known only by myself. *Signed,* Isaac Bobin. *French.* 1 p. [C.O. 5, 387. No. 26.]

[June 23.] **547.** Advis Important [?by Isaac Bobin]. Important Notice. Unless the South Sea Company take care to manage the trade to New Spain as it ought to be, it will be their utter ruin etc. I will explain myself and bring proof for the same. *By a Frenchman and in same hand as preceding.* $\frac{1}{2}$ p. [C.O. 5, 387. No. 27.]

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- June 23. **548.** Governor Hart to Lord Carteret. I have endeavour'd London. to get the best information I cou'd, how the French part of St. Christophers, may be made most valuable to the Crown, and advantagious to Great Britain, and be most speedily and effectually peopled, so as to be an additional security, not only to that, but to the other Leeward Islands, and in obedience to yor. Lordships commands etc. suggests (i) An exact survey and estimate of value of said lands to be made immediately, since the present possessors pay no acknowledgement to the Crown and hold by no other title than that of a letter from the Secretary of State that they should not be disturbed till H.M. pleasure be known. Continues: As they hold these lands by so precarious a foot, they make the most of it for the present, tho' they thereby very much impoverish the soil, which in a little time will greatly diminish the value thereof; and are so far from making improvements, as would fix and establish them there, they are now on the wing, and always will be, till they have a certain estate in the lands. It is agreed by all persons whom I have discours'd, that it will be hardly possible to find purchasers for these lands, there being little money in the Islands, and few of the inhabitants have any considerable funds here. Proposes grants of leases, with a preference to present possessors etc. Continues: The number of the inhabitants of these Islands are much decreased, and the number of the French in the neighbouring Islands are vastly increased etc. Signed, Jo. Hart. 3 pp. [C.O. 152, 42. No. 115].
- June 24. **549.** Petty Expenses, and Stationer's and Postage Account of the Board of Trade, Lady Day to Midsummer, 1721. (v. B.T. Journal). [C.O. 388, 78. ff. 4, 5, 10, 11, 18.]
- June 24. **550.** Lord Carteret to the Council of Trade and Plantations. Whitehall. Encloses following for their report. Signed, Carteret. Endorsed, Reed. Read 27th June, 1721. $\frac{3}{4}$ p. Enclosed,
550. i. Memorial of Governor John Lord Belhaven to the King. The appointments for the Governor of Barbados have not been equall to the expences. Therefore the Assembly have made frequent presents to their Governors who have been obliged to accept the same, tho' contrary to their Instructions. Memorialist determineing strictly to observe your Majesty's Royall orders, and to accept of no such presents, yet being desireous to maintain a port suitable to the employ and the inhabitants being the only judges what shall be necessary for that purpose etc. Prays H.M. to insert it in his Instructions that the Assembly may be permitted by an Act or Acts to settle on him what they shall judge proper in lieu of presents for supporting the dignity of said Governor during his continuance etc. $\frac{3}{4}$ p. [C.O. 28, 17. ff. 148, 149, 151v.]

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June 28. **551.** Governor Burnet to [?Charles Delafaye]. Your New York. Brother Riggs was speakeing to me(n) very earnestly about bedding for the men, it being necessary to preserve them from starving of cold etc. *Signed*, W. Burnet. *Endorsed*, R. Aug. *Holograph*. 1 p. [C.O. 5, 1092. No. 19.]

June 30. **552.** Mr. Popple to Mr. Attorney and Solicitor General. Whitehall. *Asks for* opinion whether Delaware River or any part thereof, or the Islands therein lying are by the (*enclosed*) clauses in their Charters conveyed to either New Jersey or Pennsylvania, "or whether the right thereunto doth still remain in the Crown." [C.O. 5, 1293. p. 237.]

June 30. **553.** Council of Trade and Plantations to Lord Carteret. Whitehall. Enclose following to be laid before H.M. *Autograph signatures*. 1 p. *Enclosed*,

553. i. *Same to the King.* Representation upon Memorial of Governor Lord Belhaven upon presents from the Assembly (v. 24th June). *Quote* Representation of 1701. v. C.S.P. 1701. No. 383, "which report was read in Council but nothing ordered thereupon. But upon a further Representation (v. C.S.P. 1702. No. 349), Her late Majesty was pleased to make additions to the salarys of several Governors and expressly to forbid their receiving of any presents whatever. The addition made upon that occasion to the salary of the Govr. of Barbados was £800 pr. annum to make the said salary of the Govr. of Barbados was £800 pr. annum to make the said salary £2000, as is particularly recited by 110th and 111th Instructions, whereby the Governors of Barbados are at present debar'd from receiving any presents except only for a house or rent for the same not exceeding £300 pr. annum sterling to be settled at the first session of Assembly, after such Governor's arrival, and so to continue during the whole time of his Government; we must thereon observe that notwithstanding the aforesaid Instructions the Assemblies of Barbados and of some other Plantations have made presents to their Governors, which is certainly a pernicious practice, and ought upon all occasions to be discountenanced how true soever the usual pretence for such presents may have been, that the particular salarys of some Govrs. have not been sufficient for their support. But if the present salary of the Governor of Barbados should not be thought adequate to his necessary expences, and sufficient to support the dignity of his office, as the chief intention of the aforemention'd Instructions has been to prevent Governors from being dependent

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upon the Assemblys, we have no objection to any addition, the Assembly of Barbados may make to my Lord Belhaven's salary upon his arrival there, provided the same be settled upon his Lordship for the whole time of his continuance there as Governor in such manner as particularly provided in the case of house rent which stands at present excepted out of his Instructions. And we are of opinion it would be greatly for your Majesty's service that the said additional salary should be likewise settled upon all succeeding Governors of Barbados, provided the same can be obtain'd." *Autograph signatures.* 4 $\frac{3}{4}$ pp. [C.O. 28, 39. Nos. 8, 8 i.; and 29, 14. pp. 123-128.]

June 30. 554. Address of Assembly of New York to Governor Burnet.
 It is with some concern we appear before you on an affair which we flattered ourselves had long since been set in so just a light before her late Majestie and Ministers by former Assemblies of this Province as would render any attempt fruitless to relay that burthen on this Colony which we thought had been effectually removed by the direction of our superiors and which even the person himself who was said to have been most concerned in the profit, thought too heavy and unreasonable to impose. We find by a letter from the Rt. Hon. the Commrs. of H.M. Treasury to the Treasurer of this Colony, that those right Honourable persons are of opinion that the neglecting, or refusing to account with the Auditor General will be looked upon as a contempt of H.M. authority. How farr artfull representations from hence have prevailed, we have from this but too much reason to suspect, but we humbly hope when their Lordps. are truly informed how that matter stands they will abate of the severity of their sentiments and give such directions as are suitable to H.M. goodness and, we hope, favourable inclinations to a people, who by repeated instances have shewn they have nothing more at heart than to approve themselves his faithfull subjects. We are so farr from desiring that H.M. or his Ministers should be unacquainted with the state of his Revenue here that we think no one thing would be of greater service to this Province than H.M. being truly and thoroughly informed of the dispositions of every penny of it. Had that been justly done by all the Governors of this Province, we have great reason to beleive we should not have laboured under that great load of debt which was too manifestly owing to the extraordinary misapplication and squandering of the publick money, and we are bold to say her late Majesty's indulgence in admitting us a Treasurer of our own, made it practicable to retrieve the publick credit, which must otherwise have been dispaired of, unless the Crown by an excess of Royal munificence had replenished a Treasury imprudently emptyed by those

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instructed here with the management of it. Among the many extravaganeys of those times one was the allowing a fee or salary to the Auditor General of 5 p.c. upon the whole amount of H.M. Revenue in this Province. We venture to call this extravagant, first, because such a salary in this Province was not allowed him by H.M. Commission, secondly, because he himself disapproved of it ; that such a salary never was allowed or intended by H.M. to be allowed him out of his Revenue in this Province, we humbly conceive, appears by the Commission itself, for, by that, there is only the salary of £500 yearly given as a reward for the auditing all H.M. Plantations in America, which salary is appointed to be paid out of H.M. revenues in Virginia, Berbados, Leeward Islands and Jamaica etc. (*quoted*), and not one word of any allowance made him out of H.M. revenue in New York, and by what authority he could take to himself a twentieth part of H.M. Revenue here, when H.M. had given no such direction, we are yet to seek. We have indeed heard it was taken as a *quantum meruit* but that could not be ; for the £500 was what the Crown thought to be a sufficient reward, and we do not find, by that Commission, any authority given to that officer to proportion what part of H.M. revenue shall be paid himself out of the revenue arising in the several Plantations, not named in that Commission, that being, in our humble opinion, a power lodged solely in the Crown and not to be done by any subject whatsoever without express and particular directions under the great Seal. It is true the disposition of the publick mony here as we suppose in other places was in the Governor by and with the advice and consent of the Council, and some of those Governors here depending more on the favour and interest of the then Auditor General, than on their own good behaviour, for their continuance, might prevail upon a timed and pusillanimous Council to consent to such a lavish disposition of the publick mony. This we suppose gave rise to the demanding of it as a fee or perquisite, tho' we do not find it ever was allowed by the Treasury, and whether ever it was received by himself, there is some reason to doubt, for in the observation made (as we suppose by the then Auditor) on the accompts of New York 1703 and 1704, among many extravagant charges taken notice of in those accounts, this of the 5 p.c. is one, and 'tis noted by way of memorandum that Mr. Blathwayt conceiving his salary as Auditor and Surveyor General too large at 5 p.c. upon the ordinary and extraordinary levyes, he is contented with the sum of £150 sterling pr. annum and the allowance to him and his deputy to be stated with an advance of current money accordingly. It is confessed by Mr. Blathwayt's own observation on the accounts of this Province that there was a charge of 5 p.c. on the extraordinary levys. It is evident that this was an extraordinary imposition, not within the meaning of the Commission, or nature of the thing

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to be accounted with the Auditor General, and was a mistake, so obvious, that the Lord Treasurer could not fail of observing if the accounts were shewn him in a true light. There had been from 1691 to 1703 inclusive extraordinary levys to the value of £22,698, over and above the common annual revenue, this at 5 p.c. to the Auditor is almost £100 pr. annum for which he had no manner of right or pretence but things of this kind were easily complyed with here by Receivers of the Revenue intirely at the Governour's disposal, and it is not unworthy observation that the Receiver General's salary for receiving and paying all this money came to about £260 pr. annum and the Auditor for looking over the accounts received a salary not much short if not in some years exceeding. If that officer had received that salary from the date of his Commission till that time, or for any years before 1703, (as there is no great doubt of its being charged in the former accompts of this Province), he must have known it to have been too large before that time, all this renders it suspected either that the accounts were not transmittted to him with that article and then it was pocketted here, or that he did not shew them to the Lord Treasurer, as fearing his disallowance, it being an act of uncommon generosity for a man to lessen his own yearly salary when he might have kept it. How that matter was we don't presume to determine, but we cannot yet be persuaded to believe, that when the King thinks £150 sterl. a sufficient proportion to be paid to the Auditor General out of his revenues in Berbados, which we are told amount to 16 to £18,000 yearly, that the Ld. Treasurer will be of opinion, that either 5 p.c. which has amounted to betwixt 2 or £300 a year (and if extraordinary levys were to be accompted for some years past would amount to more than £600) or £150 sterl. per annum is a reasonable proportion to be deducted out of the Revenue of this Province, which by all the methods wee have been yet able to take has not come to above £4000 pr. annum one year with another, which makes our quota to the Auditor under £40 pr. annum. We are humbly of opinion, that the Treasurer's refusing to account with the Auditor General (if so he did) could not proceed from any intention of the Treasurer to hinder H.M., or his Ministers from a knowledge of the disposal of his Revenue here, he being of the Council could not be ignorant that no Act could be passed here for raising or levying of any money whereby the same should not be made lyable to be accounted for to H.M. or his Ministers. And by your Excellencys Instructions and those given to Brigadier Hunter fair books of accounts being to be kept of all receipts and payments and these transmitted to the Commrs. of the Treasury or the Lord High Treasurer, or board of Trade, and the Treasurer having been always ready and willing to account with the Governour when and as often as he pleased, those accounts if sent home by the

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Governour according to the directions given him, neither H.M. or his Ministers could be ignorant of the state of the Revenue here, but as certainly informed of it, as if those accounts were transmitted by the Auditor General and layd before the Commrs. of the Treasury *etc.* It was before the Treasurer received their Lordps.' order to account that he refused (if so he did) with the Deputy Auditor, and as soon as their Lordps. signfyed their pleasure, he readily promised to pay an obedience to their commands, but we humbly hope such accounting (whenever it is) will not load H.M. revenue here, with a debt of 5 p.c. or £150 pr. annum, when it appears, by the Auditor's Commission, there is no foundation for the demands of a sum so disproportional to our circumstances. It is equal to the Treasurer with whom he accounts, and his duty to account with such person as H.M. will please to authorize for that purpose, and his declining to account with the Deputy Auditor was because he was apprehensive of a charge of five per cent upon the whole amount of the Revenue, and perhaps upon the extraordinary levyes, which would have risen to so great a sum as he thought would not have been justfyable for him to pay without particular directions from his superiors, who he believed was not informed of that matter, and we humbly hope the Rt. Hon. the Commrs. of the Treasury will no longer look upon that as a contempt of H.M. authority, which was purely done to prevent what, we hope, those right Honourable persons will think too great a deduction from his revenue. How hearty and ready this Assembly has been to support H.M. Government is not unknown to your Excellency, nor with what difficultys funds are found out for that purpose. There are few branches of our imports, except European goods, but what are loaded as much as the trade will bear, and notwithstanding all the precautions we have been capable of using to prevent a debt, the revenue is as yet insufficient to pay officers and discharge the necessary incidents of the Government. What then must be the consequence if the deadweight of 5 per cent on the whole revenue for several years passed be added. We could heartily wish it was in our power without ruining the trade and inhabitants of this Province, to make H.M. revenue ample enough not only for the handsom support of his Government here, but to enable him to extend his Royal bounty to such persons as he thought fit objects of it, but how unable we are to do this, your Excellency too well knows, as we beleive you do, that if 5 p.c. or £150 sterl. yearly arrearages, or even yearly salary for the time to come, be paid that it will be impossible to pay the officers of the Government their salarys, which we hope will be sufficient reason to prevail upon the Rt. Hon. the Lord Treasurer to disallow such demand. *Signed, Rt. Livingston, Speaker.* *Copy of later date, cf. April 26, 1722. 6 pp. [C.O. 5, 1085. No. 39.]*

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June 30. **555.** Council of Trade and Plantations to Lord Carteret.
Whitehall. Enclose following to be laid before H.M.

555. i. *Same to the King.* Representation upon Memorial (quoted) of the Copartners for settling the Bahama Islands (*v. 19th April, 1721*). This Board has upon many occasions represented to your Majesty as well as to your Royal predecessors the great importance of these Islands, and how highly necessary it was to the trade of these Kingdoms, that the same should be effectually settled, their situation being such as makes them capable of protecting the ships of your Majty's subjects, and of intercepting those of their West Indian neighbours in case of a rupture. The expence the petitioners have already been at, etc., amounts to upwards of £100,000 (*v. 19th April*), and tho' they have been once formerly attack'd by an invasion from New Spain, and at other times by great numbers of pirates whom upon their arrival they dislodg'd from thence, they have hitherto made a shift to maintain your Majty's dominion there, and they humbly hope they shall be able to do so for the future provided your Majesty be graciously inclin'd to grant them such further assistance as may encourage planters to settle there; Wherefore we humbly take leave conformable to several former reports to move your Majesty that you would be pleas'd to allow them another Independant Company of 100 men with proper officers to be maintain'd there at your Majesty's charge upon the same foot with the other company already in garrison etc.; and for some few years to allow such a salary for the Governor there as to your Majesty shall seem most convenient, till this new Settlement shall be in condition, as in all probability it shortly will if duly encouraged, to bear its own expences. For this end the Copartners are desirous your Majesty should grant them your Royal Charter of Incorporation without which they apprehend it will be impossible for them to proceed etc. *Reasons given* (*v. 19th April*). *Continue:* To which we shall have no objection, provided the same be sufficiently guarded and secur'd from stock jobbing; and those other inconveniences which have too frequently taken rise from the misapplication of several former Charters of Incorporation to other Companies. Having therefore further discours'd with the Copartners upon this subject, we find that they will very readily submit to the proper restrictions for this purpose. They are willing that their capital stock shall not at any time exceed £500,000, and that no other dividends shall be

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made to the Proprietors but such as do really and bona fide arise from the profits of the Company, excepting dividends in land only for Plantations, according to the powers given them by the Lords Proprietors of those Islands. That no transfers shall be made of their stock for the first twelve months after the date of their Charter, nor any afterwards by any person whatsoever that shall not have been six months in possession of their stock. That their Charter be confin'd to the term of 30 years; that none of your Majesty's subjects be excluded from trading to the Bahama Islands during that time; that during the continuance of the said term they shall oblige themselves communibus annis to employ 1000 ton of shipping. Upon which conditions and restrictions we are humbly of opinion it may be for your Majesty's service if you are so pleas'd to grant the said Co-partners a Charter, provided that no powers of Govt. relating to the said Islands be thereby given them, but that the entire dominion of the said Islands do in all respects absolutely remain in your Majesty and your Royal Successors. [C.O. 24, 1. pp. 58-64; and 23, 12. No. 79.]

June 30. **556.** H.M. Warrant appointing Philip Livingston Town St. James's. Clerk, Clerk of the Peace and Clerk of the Common Pleas in the county and city of Albany, and Secretary or Agent for the Government of New York to the Indians, with a salary of £100 sterling to be paid out of H.M. Revenue of New York. *Countersigned, Carteret. Copy.* [C.O. 324, 34. pp. 71, 72.]

June 30. **557.** Governor Hamilton to the Council of Trade and Antigua. *Encloses Act to impose a duty on sugar, molasses, rum, cotton, and ginger of the produce or manufacture of the French King's Colonies imported into this Island, etc.* The Surveyor General of H.M. Customs has laid before myself and Council a Memorial against passing the said bill into a law, which has been considered of and answered by the Council etc. *Refers to enclosures.* Besides the reasons contained in the said answer and the preamble etc., I crave leave to inform your Lordships how and in what manner this clandestine trade is carried on, how the King is defrauded of His customs, and the impossibility of preventing of it unless this law meets with the Royal sanction. Your Lordships upon observing the map of Antigua will see how many creeks, bays and roads there are, several of which are distant from any settlements, by reason the barrenness of the soil will not allow of them, and 'tis in these remote places they carry on this trade. Upon their coming to anchor here, and notice given to their correspondents,

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they immediately hire the sugar droging vessels, these they employ to unload their sloops, and shift the sugar into English cask, bring them into harbour, as if they brought them from other ports of the Island, and take out cockets for them at the Custom House, and ship them as our own produce for Great Britain, 'tis true they pay the $4\frac{1}{2}$ p.c. here, but then H.M. is defrauded of the alien duty at home and of a great part of the enumarated duty upon sugars shipt to North America, which is a manifest fraud, and a deminution of the Revenue. I cannot pretend to lay any charge against the Custom House Officers for neglect of their duty, because I am convinced as this fraud is carried on 'tis impossible they can come up with them without it be by meer accident, several instances of which I have known, when informations have been given, but all have proved ineffectual, for, the Custom house boat can no sooner put to sea but they have notice from their friends, and thereupon they immediately weigh and to sea and keep out till some signals are made that all is secure, by which your Lordships may perceive that 'tis impossible to prevent this pernicious trade, unless it be by such an Act as this now sent, or by allowing the Custom House a sloop or two to clear our coasts. I shall not say anything of the hardships the industrious planter suffers by this trade, because the Council in their answer have set that matter forth fully, but assure your Lordships that I am very apprehensive that unless there is a speedy stop put to it, that in the end it may prove our ruin. The French as I am very well informed, particularly at Guardeloupe, an Island in sight of this, and which you may fetch over upon a stretch, are daily carrying on new settlements and greatly encrease in their number of inhabitants. Your Lordships must be sensible of the difficulties in carrying on new settlements, especially when a great tract of land is to be setled, and that that cannot be done without supplies, and these supplies as negroes, provisions, horses, and all manner of lumber, (and without which they could not carry on their settlements) this trade gives them, (it being usual for the vessels that carry these things to the french to clear for Barbados and the Leeward Islands) the natural consequence of this trade is, and the inconvenience of which we may find when 'tis too late, in case a war should break out, that we have enabled a neighbouring Island to go on with their settlements who in retaliation will endeavour to take ours from us. Another great inconvenience is, that the French (those that use the trade) are as good pilots as our selves, and can run into the most difficult places at any time of the night, so 'tis easy to imagine, what the consequence of making them acquainted with our coasts will be, in case they have the first newes of a war etc. By this Act, the Custom House Officers are required to take an oath for the due execution of the said law, which the Surveyor General has refused, as you will per-

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ceive by the inclosed minute, to which I refer and hope your Lordships will favour me with an answer whether the Legislative authority has not a power to impose such an oath. *Signed,* W. Hamilton. *Endorsed,* Reed. 15th, Read 16th Aug. 1721.
3 pp. Enclosed,

557. i. Memorial of Charles Dunbar, Surveyor of H.M. Customs of Barbados and the Leeward Islands, to the Governor and Councel of Antigua. *Protests against* against the bill proposed for laying such heavy imposts upon produce of the French Islands as prejudicial to trade, being in effect prohibition, and to the navigation of the Island and of Great Britain, and reducing the Revenue by reducing the amount imported into England. A fifth part of the duties now proposed might prove beneficial etc. *Copy.* 3 pp.
557. ii. H.M. Commissioners of Customs to Mr. Dunbar. Custom House, London. 16th March, 1719. If any new commoditys shall be raised or manufactures begun within any of the Islands in your district, or if any Acts are passed, which relate to trade or navigation, or which you apprehend are prejudiciale thereto, or to the Revenue etc., you are to give us notice etc. *Signed,* M. Dudley, and three others. *Copy.* 1 p.
557. iii. Governor and Council of Antigua to Charles Dunbar. 26th June, 1721. *Reply to No. 1.* Goods have been rendered scarce and prices high by this exportation to the French Islands. This trade strengthens the French and thereby exposes the valuable Colony of Antigua to the utmost danger in case of war. The importation of French goods has lessened the value of ours and caused many of the inhabitants to desert the Island. Often when the poor have been almost starving a monopolizing French trader has engrossed a whole cargo of provision and transported it in a clandestine manner to Martinique etc. The British market by being glutted with French sugars has kept ours at so low an ebb that the planters can hardly support themselves. It will be more prejudiciale to the Revenue if this Colony sinks etc. We think it absolutely necessary to pass the Act etc. *Signed,* by command of the Council, Gilbt. Fleming, D. Clerk Councill. *Copy.* 2½ pp. Nos. i.-iii. endorsed as covering letter.
557. iv. Minutes of Council and Assembly of Antigua, 26th June, 1721. Mr. Dunbar, on behalf of the Officers of the Customs, being called upon to take the oath prescribed by the Act *laying a duty on French sugars imported*, the time for which had expired, desired to be excused from taking any oaths having relation

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to their offices or to observe any instructions but such as they shall receive from the Lords of the Treasury and Commissioners of the Customs. *Signed and endorsed as preceding. Copy. 1 p. [C.O. 152, 14. ff. 7-13, 14v, 15, 16v.]*

July 1. **558.** Mr. Popple to Mr. Carkesse. *Encloses* papers relating to searching of merchants' ships at Jamaica to be laid before the Commissioners of Customs. The Council of Trade and Plantations desire to be informed how the law stands with respect

to French indigo from the Plantations as likewise in regard to seizures in general how farr Sr. Nicholas Lawes's warrant to Capt. Brooke may be authentick to Robert Hall who appears to have had a temporary power to be assistant-waiter and to seize contraband goods, and particularly whether a ship being once cleared makes any difference as to her being searched. Being informed that there is on board ship *Pompey*, Capt. Peniston, lately arrived at Woolwich from Jamaica a small box directed to the Lords Commrs. for Trade containing sevl. letters, acts and other publick papers of that Island, but the officers on board will not permit the Captain to deliver the sd. box to their Lordships unless it be first opened on board in their presence, I am to desire that the said officers may be directed to permit the Captain to send the said box to their Lordships there being several things expected to be in it which may be of use for their Lordships' information. [C.O. 138, 16. pp. 294-296.]

July 1. **559.** Mr. Savage to the Council of Trade and Plantations. *Refers to* the ridiculous, false and malicious letters of Lt. Washington (v. 19th June). *Concludes:*—He accuses me of having exacted of the French inhabitants (*of Nova Scotia*) such high fees, in my office as Secretary, that hath obliged them to leave the Province etc. I solemnly declare that the fees etc. I have received for the whole year from them has not amounted to £3 sterling etc. *Signed, Wr. Savage. Endorsed, Reed. 6th, Read 13th Sept., 1721. 3 pp. [C.O. 217, 4. ff. 40-41v.]*

July 4. **560.** Agents for taxes to the Council of Trade and Plantations. *Enclose* copies of extents and inquisitions upon debts due in the Plantations to Benjamin Blundell Receiver General for Leicestershire he having failed in his credit, to be transmitted to Governors of the several Plantations, "having good reason to believe that the sd. extents will be of no force in the Plantations without your aid" etc. *Signed, John Williams and three others. Endorsed, Reed. 5th, Read 11th July, 1721. Addressed. 1 p. [C.O. 323, 1. No. 19] Enclosed,*

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561. i. Extent and inquisition for £900 due from some merchants in New York to Mr. Blundell etc. v. preceding. 21st June, 1721. *Endorsed as preceding. Latin. 1 large p. [C.O. 5, 1052. ff. 163, 163v.]*

July 4. **562.** Governor Sir N. Lawes to the Council of Trade and Jamaica. Plantations. Since I wrote (12th June), our new Assembly

have met etc. *Refers to his Speech to them enclosed. Continues:* The day after their meeting I had deliver'd to me H.M. royall commands for the payment of Lord Archibald Hamilton out of his Revenue here preferable to all other demands which I communicated to the Assembly but what effect that had upon the majority of them your Lordships will please to observe from a copy of the resolutions of the House on my Speech and Message on that subject (*enclosed*). I am altogether at a loss what farther to say or excuse to make for those people who in their proceedings have shown so little regard to H.M. just commands and I shou'd have parted with them upon such an undutiful behaviour were it not for some hopes they give in their resolutions of passing a bill for the settleing the windward part of the Island by encourageing people from the Virgin Islands to become settlers here and considering such a law if obtained to be of the utmost consequence and advantage to this Colony has induced me to have patience and forbearance longer than otherwise I should have had with them, a few days now will shew whether they have a reall intent or not to pass this bill shou'd they not agree in a thing so apparently beneficall for the whole country I can expect little other good from them and therefore what I have hinted in my former letters of settleing H.M. Revenue and makeing his Government here easy will become the more necessary to be taken under H.M. speedy consideration etc. *Repeats part of April 20th. P.S. July 5th.* Severall of the Gentlemen of the Assembly haveing dissented from the resolution of the House on H.M. Privy Seal for the payment of the Lord Archibald Hamilton have thought proper to assign their reasons for so doing a copy whereof comes herewith this it seems has given offence to those Gentlemen who were of a different opinion and I am told the Speaker's warrant is issued for the takeing those Members who have signed it into custody of their Messenger. I cannot inform your Lordships by the present opportunity how such proceedings will end but in duty to H.M. I must acquaint your Lordships that Mr. Peter Beckford has all along been the cheif contriver and promoter of faction and discord and has constantly opposed not only in my Government but in my predecessors whatever has been recommended for the King's service and I may truely say he is the cheif instrument of all our misfortunes he boasts himself in his riches by means of which he has many dependants, which gives him such a sway in Assembly's, he enjoys no place

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of proffit honour or trust by my appointment but has a Commission from the Commissioners of H.M. Customs at home to be Comptroller of the Customs here and tho' that post be of no great proffit yet it serves him in some measure as a cloak to do mischeif. I therefore hope your Lordships will endeavour to get him removed from that post. *Signed*, Nicholas Lawes.
Endorsed, Reed. 16th, Read 26th Sept., 1721. $3\frac{1}{8}$ pp.
Enclosed,

562. i. Copy of the Weekly Jamaica Courant, with news foreign and domestick. Publish'd by Authority. Wednesday, June 28, 1721. Numb. clxii. *Includes* the Governor's Speech to the Council and Assembly, St. Jago de la Vega, June 24, 1721; list of ships sailing; and H.M. Patent to the several Gentlemen Adventurers in the Royal Mines of this Island etc. *Same endorsement*. Printed. 4 pp. quarto.
562. ii. Resolutions of Assembly of Jamaica that the Revenue is not anyways chargeable with the Lord Hamilton's supposed debt nor ought the same to be allowed of in the Receiver Generall's accot., and that the payment thereof will tend to the entire subversion of the nature of Assemblies who would by such proceedings be deprived of the most essentiall part of their being (which is the raiseing and applying of the mony) etc. Reasons offered by nine Gentlemen who disagreed with above. *Copy*. $2\frac{1}{2}$ pp.
562. iii. Resolutions of the Assembly for encouraging settlers from the Windward Virgin Islands etc. 23rd June, 1721. *Copy*. $2\frac{3}{4}$ pp. Nos. ii. & iii. endorsed as preceding. [C.O. 137, 14. ff. 34-36, 37-38v., 40-41, 42-43v.]

July 5. 563. Lord Carteret to the Council of Trade and Plantations. Whitehall. You are to prepare an Instruction to Governor Lord Belhaven conformable to your report, (30th June) etc. *Signed*, Carteret. *Endorsed*, Reed. 8th, Read 11th July, 1721. $\frac{3}{4}$ p. [C.O. 28, 17. ff. 152, 153v; and 5, 1092. No. 23.]

[July 5.] 564. Petition of Col. John Montgomerie to the King. On being appointed Governor of New York, begs permission for the Assembly to settle upon him what they shall judge proper for supporting the dignity of the Governor etc. *Copy*. 1 p. [C.O. 5, 1092. No. 21.]

[July 5.] 565. Governor Lord Belhaven to the King. Similar to preceding. *Copy*. $1\frac{1}{4}$ pp. [C.O. 5, 1092. No. 22.]

July 7. 566. Mr. Popple to Mr. Carkesse. Encloses extract of Whitehall letter from Governor Hamilton, (20th July, 1719) relating to a vessel seized for importing at Antigua some tallow directly

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from Ireland. The Council of Trade and Plantations desire the opinion of H.M. Commissioners of Customs thereupon. [C.O. 153, 13. p. 498.]

July 7. **567.** Same to Mr. West. Encloses, for his opinion thereon, Whitehall. some Acts passed in Antigua, 1718–1720, St. Christophers (1718, 1719) and Montserrat (1719). [C.O. 153, 13. pp. 499–502.]

July 9. **568.** Order of King in Council. Referring Representation St. James's. of 30th June concerning the Bahama Islands to a Committee of Council. *Signed*, Edward Southwell. *Endorsed*, Reed. 4th, Read 8th Aug., 1721. 1 p. [C.O. 23, 1. No. 36.]

July 9. **569.** Order of King in Council. Referring Commission and St. James's. Instructions for Governor Phenney to a Committee of Council. *Signed and endorsed as preceding.* $\frac{3}{4}$ p. [C.O. 23, 1. No. 37].

July 12. **570.** Governor Burnet to the Council of Trade and Plantations. *Encloses* a translation of a Journal of all the French proceedings for this year past, as it was given me by the author a French Recollet Proiest who is come to us from Canada and is desirous to go to England (*i.e.*, Monsr. Durand. Ed.) He is as he says of a Hugenot family, and has long been desirous to leave his order, and change his way of religion. I may now brag to your Lordships that our law against trade with Canada has brought an immense number of Indians of far Nations to flock together to Albany the French being now unable to supply them with goods this I hope is a beginning of a new interest in the Indians which will at the same time occasion great jealousy from the French against whom it is extremely necessary to be prepar'd in all events, which I hope we shall be prepar'd for, when that Act which waits for approbation from home, comes back confirmed. I have received your Lordships' orders of 21st of March with Mr. Smith, who arrived last week in the *Grayhound* man of war and will do what I can possibly to serve him, tho' when I send your Lordships all the transactions of the Assembly of that Province, you will see in how unlikely a temper they are to do anything right. I hope soon to send the Minutes of Council of that Province which with the printed speeches and bill for the Revenue which give their full history, will I hope be ready to go by the return of the man of war from hence. I shall be glad if the enclosed Memorial meets with your Lordships' approbation. I believe it very just and perfectly agreeing with the account our people give of the transactions, between the French and Indians of the 5 Nations only that here some of Councels are explain'd of matters whereof we had heard only the results the last part agrees too with our Interpreters report who says that the Seneca's were grown colder

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to the French and did not now care to receive either priests or a smith from them, tho' they had agreed to it last year. I am going to Albany in August at which time I shall enquire into the case of the Palatines more particularly and how they may be settled, according to your Lordships commands of 29th Nov. and your letter which I received renewing them by Sheef one of the Palatines who came by the *Grayhound* and which was dated March 8th, 1720. I have not yet received any account of the presents to be sent to the Indians or of the stores so much wanted by the troops here. I hope your Lordships just representations in the behalf of this Province on these heads will have their full weight with H.M. as they lay a great obligation on this people etc. P.S.—20th July. I take the liberty to recommend the author of the within Memorial to your Lordships for your favour. He is capable of giving you the best account of the present state of Canada and deserves in my humble opinion some reward for his information. I hope your Lordships will not think this an improper request. I have made him the bearer of this letter, that it may introduce him to your Lordships. *Signed*, W. Burnet. *Endorsed*, Recd. 14th, Read 15th Nov., 1721. 4 pp. [C.O. 5, 1053. ff. 1-2v., 3v.]

July 12. **571.** *Same to Same.* Duplicate of preceding, without postscript. *Endorsed*, Recd. 25th, Read 29th Aug., 1721. *Holograph.* 2 $\frac{3}{4}$ pp. *Enclosed*,

571. i. Memorial of what passed concerning the establishment of a post which the French have built at Niagara for the trade of pelletrie. 1st July, 1721. *Signed*, John Durant, late Chaplain to the Fort of Cataracouy. *Endorsed as preceding.* 7 $\frac{1}{2}$ pp.

Set out, N.Y. Docs. V. pp. 588-591. [C.O. 5, 1052. ff. 169-175v., 176v., (with abstract)].

July 13. **572.** Governor Nicholson to the Lord President of the Council. *Refers to* following: "account of our not landing at Port Royal as also concerning Col. Barnwell's going to build a small fort at the River Alatamaha" etc. We have no account of the French or Spaniards being there or of their designe to settle it etc. There being so very much business here for me to do in settling of the Governmt. and treating with the Indians I found it absolutely necessary for H.M. interest and service for my staying here and not going at present to the Alatamaha River. I hope that Col. Barnwell will be able to accomplish that affair of ye small fort in order to his being here at the Assembly to whom I shall according to my duty recommend the securing the frontiers in general and that place in particular. And I shall likewise use all the interest I have for accomplishing that most necessary affair of the frontiers and likewise in adjust-

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ing all things concerning the Indians in doing of which we have already made some progress etc. *Signed*, Fr. Nicholson. 2 pp. [C.O. 5, 387. No. 28.]

July 13.
South Carolina.

573. Governor and Council of South Carolina to the Council of Trade and Plantations. Enclose Minutes of Council by H.M.S. *Flamborough* etc. Owing to the great hurry of business have not yet been able to answer H.M. Instructions. The whole frame of Government being altered and now happily settled in H.M. has made it necessary to prepare new lists of officers civil and military etc., and since that sending for the Indians of the severall Nations and settleing treaties with them, which wee have in some measure effected with the two chief Nations the Creeks and Cherakees etc. has taken up a great deal of time etc. Besides which several of those Instructions relate to the Assembly, who are to meet on 27th inst. etc. *Refer to Minutes*. The Countrey is very quiet and everything seems to be settled in as good a manner as can be expected in so short a time etc. P.S. Please to excuse the badness of the paper the Minutes are transcribed on, it being leaves torn out of a book here being no paper to be bought fitt for that use. *Signed*, Fr. Nicholson and, for the Council, Char. Hart, Secry. *Endorsed*, Recd. 21st Aug., 1721, Read 17th April, 1722. 2 $\frac{1}{2}$ pp.

Enclosed,

573. i. Minutes of Council of S. Carolina. Charles Town, 8th July, 1721. H.M. Instructions cannot be answered till after the Assembly meets etc. v. preceding. *Same endorsement*. *Copy*. 1 $\frac{1}{4}$ pp.

573. ii. (a) Correspondence relating to the landing of the Independant Company at Charles Town, and not proceeding to Port Royal, the soldiers being ill with scurvy, provisions very short, and pilots lacking.

2 pp.

(b) June 3, 1721. Col. Barnwell to Governor Nicholson. In response to H.E.'s order in Councel, asking for his report upon the methods proposed for building a fort on the Alatamaha River, reminds H.E. that though orders were given by the Lords Justices to the Board of Ordnance on 12th Oct. to provide an engineer, artificers and tools for that purpose, they have been sent without an engineer or tradesmen and only 100 Invalids, who are for the most part unable to perform any labour, and whom the least hardship will destroy etc. *Proposes* that the Council and Assembly be consulted how far the Province may supply the necessary labour etc., and that in the mean time 30 of the Scout men now in the country's pay about Port Royal be ordered to secure possession of the place by a small palisado fort and

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a sloop to attend them and sound the bar &c. *Offers to assist in sounding bar and making plan of river and harbour.* "But if it be expected of me by reason of the command I have of the Scouts, that I shall attend that service, it would be the greatest hardship, for the pay allowed me by the publick is less than 2s. sterl. a day, and the very trades men who must be hired will not expect less than 6 or 8" etc. *Explains that he had expected the Lieutenancy of the proposed fort and settlement upon the same footing as Annapolis Royal or Placentia, but as nothing of that appears, he asks for some respite to provide for his private affairs etc.* *Copy.*

(c) Col. Barnwell's Commission to command the Militia, Scout boats, etc. of the Southern forces, 8th June, 1721. *Signed, Fr. Nicholson.* *Copy.*

(d) Col. Barnwell's Instructions, 8th June, 1721. You are to take sufficient scouts and scout-boats etc. from Port Royal and take possession of the River Alatamaha in H.M. name, and build a small fort thereon and leave it under the command of such a trusty person as you shall approve of etc. You are to hire the tradesmen necessary, and a sloop and make a plan of the river, and to keep a journal of expences etc. *Signed, Fr. Nicholson.* *Copy.*

(e) Blank Commission for a Commander of a Garrison to Southward. *Signed, Fr. Nicholson.* *Copy.*

(f) Contract between Col. Barnwell and Jonathan Collings for the sloop *Jonathan and Sarah* for H.M. service etc. 9th June, 1721. *Copy.*

(g) Warrant to Lt. Joseph Lambert of the Independent Company at Port Royal to deliver stores required by Col. Barnwell. *Signed, Fr. Nicholson.* 9th June, 1721. *Copy.*

(h) Warrant to Col. Brewton to deliver powder to Col. Barnwell. *Same date and signature.* *Copy.*

(i) Warrant to Thomas Lloyd to deliver 4 field pieces to Col. Barnwell. *Same date and signature.* *Copy.*

(j) Col. Barnwell to Governor Nicholson. Beaufort, 3rd July, 1721. *Acknowledges letter of 23rd June, received on his way to Edisto.* *Thanks for justice done him.* *Sends accounts of provisions etc.* *Continues:* This day I am promised the assistance of some of the soldiers to gett the timber together that is to build their barracks. It proves very sickly among my scout men, etc., for we had scarce a dry day since I came up. The woods are full of water, and the men goeing backward and forward and killing

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beef and out day and night, as well as they are season'd can't bear so much wett etc. Mr. Collins in the pilate boat arrived 28th June and I have the promise of 6 Creek Indians to go wth. mee and hunt etc. I have been very badd of the flux, but thank God I am now in health etc. I shall sett out in a day or two etc. *Copy. The whole endorsed*, Reed. 21st Aug., 1721. Read 17th April, 1722. 16 pp. [C.O. 5, 358. ff. 91-105v. ; and (notes for reply) 5, 406. p. 1.]

[July 13.] **574.** William Nivine to the Council of Trade and Plantations. Prays for a report upon several Acts of St. Christophers which have been for several years depending with their Lordships. *Endorsed*, Reed. Read 13th July, 1721. $\frac{1}{2}$ p. [C.O. 152, 13. ff. 258, 261v.]

July 17. **575.** Council of Trade and Plantations to Lord Carteret. Whitehall. *Reply to 22nd March. Abstract Address of Council and Assembly of Virginia. Represent*, that if these passes are not soon secur'd they may fall into the hands of the French who are already situated nearer to them than H.M. subjects are by their lodgments upon the great Lakes which continue their communication from the River of St. Lawrence to that of Mississippi, and it is very obvious of what fatal consequence such a neglect on our part must certainly prove to the British Plantations which would be thereby perpetually exposed to the incursions of the French and of the Indian Nations in their interest ; we cannot therefore but be of opinion that all possible encouragement should be given for the enlarging and extending of the British Settlements towards the said Mountains, as one of the most effectual means to prevent the growing power and further encroachments of the French in those parts. But as it is not likely that any number of inhabitants will be induc'd to settle near those Mountains, unlesse they are sure of protection there, we cannot but highly approve of the proposal for erecting of Forts to secure the passes and placing garrisons in them for so necessary a purpose ; it were indeed to be wished that the charge thereof might be defrayed by the Province of Virginia, but rather than so useful a design shou'd be dropt we shall humbly submit to H.M., whether it may not be proper to defray or at least to contribute to the charge of building these two forts even out of H.M. own quit rents, arising in that Province as is desir'd by their Address. In case H.M. should be dispos'd to grant their request in this particular, it would however be necessary the Lt. Governor of Virginia should first remit hither a plan and estimate of the work to be laid before H.M. and in the meanwhile two stockaded forts may be built at a small expence by the people of Virginia to secure the possession till

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more regular fortifications shall be erected. As to what relates to the two Companies desir'd by the aforesaid Address, we are of opinion and have long been so that it will be impossible to improve or even to preserve H.M. Empire in America without sending a military force thither, 'tis what this Board has frequently propos'd, and we do conceive that two Companies cannot be employ'd upon a more important service than this. It will appear to H.M. by the Act to which the Address refers that the Assembly of Virginia have made considerable advances at their own expence towards the carrying on this project, for which reason we are the rather inclin'd to think they may deserve H.M. countenance and encouragement, that their example may induce the neighbouring Colonies likewise to turn their thoughts towards designs of the same nature, and for the same reason we are humbly of opinion that it may be for H.M. service to remit the quitrents of the aforesaid two new Counties, and the fine of 5*s.* upon each 50 acres to such persons as shall take up land there for 10 years to come, more especially since H.M. Revenue will in all probability be increas'd thereby at the expiration of the said term of 10 years, and a good barrier will be form'd to the British Plantations on this side by a new Colony which cannot be supported without some advantages at their first planting. There are however two particulars that should especially be guarded against if H.M. should be graciously dispos'd to remit his quit rents for the time propos'd by the Address, that no person already possess'd of lands in any other part of Virginia held by quit rent from the Crown be admitted to take up lands in these new Counties without giving sufficient security for continuing the payment of the quitrents for the lands by him already possess'd notwithstanding his removal to one of these new Counties; and that no person whatever be allow'd to take up more than 1000 acres in his own or any other name in trust for him in either of the said new Counties. These regulations together with any others which shall be thought proper in the laying out of those lands may be made by Instructions to the Governor of Virginia if H.M. shall be pleased to approve of what is humbly propos'd for encouraging and securing this new Settlement. [C.O. 5, 1365. pp. 229-236.]

July 17. **576.** Council of Trade and Plantations to Lord Carteret.
Whitehall. *Reply to 25th April.* Representation upon Anthony Cracherode's petition against Act of Barbados, 1720, appointing security to be given by appellees. We have heard Petitioner and the Secretary of that Island by their Counsel etc. By the Govr's Instructions the cause of action in all appeals, that are made from the Court of Chancery there to H.M. in Councel here is to exceed £500 sterl. in value, and good security is to be given by the appellant that he will effectually prosecute the same, and answer the condemnation, as also pay such costs

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and damages as shall be awarded, in case the sentence from which he appeals shall be affirm'd. It is further provided, that execution shall not be suspended by reason of such appeal. But it having been found by experience, that some appellees taking advantage of the aforesaid Instruction had after execution obtained in their favour, transported themselves and their effects off the Island, and others had become insolvent before the determination of ye appeal to H.M., whereby the appellants upon reversal of judgement have been intirely disappointed of all redress ; it was thought reasonable that the execution of the judgement should be stopp'd, or that the appellee should give bond with sufficient securities in the Secretary's Office of that Island, in double the value of the sum to be appeal'd for, to make restitution to the appellant of all that the appellant shall have lost by occasion of such judgement or decree, in case upon the determination of such appeal, such judgement or decree shall be revers'd and restitution awarded to ye appellant, such bond to be taken in ye name of the Govr. or Commander in Chief of that Island for the time being ; and the said security to be allowed and approv'd of by the Court, from whose judgement or decree such appeal shall be made. And as the subject matter of this Act as well as the fee thereby establish'd is intirely new ; we do conceive the Assembly of Barbados might annex the same to such office as they thought most convenient for that purpose and that H.M. grant of the Register's Office in Chaneery to Mr. Cracherode is not prejudiced thereby, and consequently that no just objection can arise from thence to ye confirming ye said Act, which we humbly offer to H.M. for his approbation in representation *annexed*.

576. i. Council of Trade and Plantations to the King. Represent *above* Act for H.M. approbation, as reasonable and just etc. [C.O. 29, 14. pp. 129-134.]

July 19. 577. Governor Nicholson to the Council of Trade and Plantations. *Refers to and repeats part of letters of 13th instant. Hopes that an Engineer will be sent in place of the one who left them at Plymouth, and that " Col. Barnwell will accomplish that affair of the small fort at the mouth of the River Alatamaha in order to his being at the Assembly " etc. Signed, Fr. Nicholson. Endorsed, Recd. 16th Sept., 1721, Read 17th April, 1722. 1½ pp. Enclosed,*

577. i. Exports from South Carolina to Great Britain, 25th Dec. 25th, 1720—18th July, 1721. Rice, 17,739 barrels ; pitch, 9,860 ; tar, 6599 ; 53 chests deer skins. To the Plantations, Rice, 3,658 barrels ; pitch, 1682 ; tar, 1858 ; and deer skins, beef, pork, candles, tallow, peese, corne, staves, masts, yards, bowsprits, shingles, leather, cypress and cedar plank. *Signed, Tho. Broughton, Collector. Same endorsement. 1 p. [C.O. 5, 358. ff. 106, 106v., 107v.-108v.]*

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July 19. **578.** Abstract of preceding, with note for reply. [C.O. 5, 406. p. 1.]

July 19. **579.** Governor Shute to the Council of Trade and Plantations. *Refers to letter of 1st June, and enclosure No. 1, " which never came to my hands, but as I now take the liberty to send it to your Lordships, in print."* Quotes Order for drawing up this Memorial from printed Journal of Representatives, 19th June, 1721. *Continues:*—Your Lordships will find that the House have charg'd me, in the inclos'd Memoriall, with downright false insinuations, unjust unreasonable remarks and animadversions upon the behaviour and transactions of the last Assembly. They tell the people (to whom this Memoriall seems to be address'd) that it would be a great grief to every good man if in any one instance it could appear that the last house of Representatives or any other, had slighted H.M. Instructions. If your Lordships have perus'd the severall papers I sent in my last pacquett I make no question but it appears plainly, that they have been very far from paying that just regard they ought to have done to severall of H.M. Instructions, wch. I have communicated to them. How they have observ'd my 29th Instruction relating to the woods your Lordships will see by an abstract of their proceedings in the before mention'd printed messages between the Councill and the House. For my 73 Instruction I must take leave to refer your Lordships to the 2d page of the Printed Journal of the last House of Representatives; I tell them there the King my Master has positively commanded me, that no book or paper shall be printed, without my license first obtain'd. My power being much too weak to put this H.M. Instruction in execution, I recommended it to the Generall Court to make a law conformable thereunto. The answer of the House of Representatives, your Lordships will find in p. 11 of the Printed Journall, which runs thus "Should an Act be made to prevent the printing any book or paper, without license first obtain'd from the Govr. for the time being no one can foresee, the innumerable inconveniencys and dangerous circumstances this People may labour under in a little time." So cautious are they of putting the least power into the hands of a Govr., tho' 'tis of such consequence to the Peace, safety, and honr. of the Government. What the enclos'd Memoriall says afterwards, that when any persons have been so malicious as to print libells reflecting on the Government they have been punish'd according to the nature of their offence, is so notoriously otherwise that tho' both Printers and Publishers of such libells have been taken up, and have own'd the fact, and I have done my utmost endeavour to bring them to Justice, I never once yet found it possible for me to effect it. Your Lordships will see page 3 of the Printed Journall, that according to my Instructions I have press'd the

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House to settle such a salary upon me, as is suitable to the dignity of my post. Their answer is in p. 11 of the said Journall, wherein they still insist that £1000 per. ann. in Province bills, wch. as the course of Excha. runs makes about £435 sterl. is such a salary as is sufficient to demonstrate to H.M. that they are dutifull and loyall subjects; and the objection they make to a settled salary is, that 'tis contrary to their custom and practise. The Memorall alledges in their justification the low circumstances of the Province for want of a medium of trade, and allowances granted to former Governours. As to the first 'tis obvious that they have as great a medium of trade as ever they had, and that the Province since my arrivall is very much increas'd, and is as a Community not in debt as I am inform'd above £30,000 sterl. and notwithstanding their pretended poverty, this present Sessions of the Genl. Court has cost the country £1400 only in unnecessary debates and wranglings against the Prerogative. As to the second allegation, I find the Genll. Court allow'd the Earl of Bellamont £2000 in silver money for less than a year's service, wch. is very near as much as they have granted me in four years, considering the present low credit of the Province Bills. Upon this head, I must beg leave to acquaint your Lordships, that the present House of Representatives have begun a most unreasonable dispute with me by entering into a resolve, that they would not go upon my allowance till I had set my hand to everything that remain'd for me to sign. I have already given my assent to severall of their Acts; but that does not satisfie them. I therefore sent the Secretary down with a message to acquaint them at the last Sessions but one I signed no Act till they had voted my salary, and that so soon as the house had gone through, what was before them, I should leave nothing unfinish'd that depended upon me. As the Charter leaves this matter entirely at my discretion I resolve not to give it up, and I hope I shall have your Lordships approbation therein. I can't help complaining here, how unavoidable a necessity a Governour of this Province is sometimes under, either of agreeing to what may not be for H.M. interest, or of incurring the displeasure of the House to the risk of his support. The memorall goes on to acquaint the world, with a very unaccountable air of superiority and greatness, "That it has not been the usage and practise to have nonconcurr'd bills sent to the Board of Trade, and that 'tis what they can see no reason for, and that this Government is no ways answerable to that Honble. Board for any matter or thing done here relating to Acts of Government." I need not make any remark upon this paragraph to your Lordships. But I shall endeavour to convince the People how vastly the House of Representatives, especially in this particular, have been wanting in their duty and the interest of their Country. What is mention'd in the two next paragraphs of the Memorall

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concerning the Riot and Pamphlet Bills I think is well answer'd in the printed Reasons of the Councill for passing those bills, to which I take the liberty to referr your Lordships. I would also intreat the Rt. Honble. Board to peruse the printed votes orders and messages relating to logs cut in the Province lands in the County of York. I have pursuant to my 29th Instruction issued out many proclamations to prevent the stroy and spoil of H.M. woods in both Provinces, and have given the strictest charge to H.M. Surveyor Genll. and his Deputies not to fail in the execution of their office as they will answer the strongest complaints I shall be able to make against them. I have labour'd to convince the Members of the House of Representatives, that the House (and more especially taking upon them as they have done to act separately from the Councill, contrary to their Charter) have nothing to do with trees fit for masting H.M. Royal Navy. That if the trees belong to H.M. while they are standing, the property rests in H.M. tho' they should be cut into logs. That to seize those logs for the use of the Province would be so far from being a discouragement to the cutting down mast trees, that it wd. rather give the Government at home reason to suspect that persons were employ'd to cut them down in order to have them afterwards converted to the use of the Province. And indeed I am of opinion that the drift of the House of Representatives in this affair is to persuade the People that H.M. has no right to the woods in the Province of Main. I mention this the rather because Mr. Cooke who is at the head of all Committees to manage this matter has more than once publicly declar'd it as his opinion. I sent your Lordships the 29 Sept. 1718 two affidavits to this purpose. I afterwards receiv'd your approbation for not allowing that gentleman to sit any longer at the Councill Board. By the last paragraph of the memorall your Lordships may possibly explain the reason why the House of Representatives in March last would not pass the Riot Bill. It appears that some imaginary ill advisers are to be given up to the resentments of the People. I can't tell who they point at unless it be those, that have in any degree asserted H.M. rights and prerogative. I must freely declare that the King's Councill being annually chosen by the Genll. Assembly are afraid in many cases to speak their minds, so that I am often left to fight it out alone. I shall only observe one thing more to your Lordships with relation to the behaviour of the last House of Representatives, that they endeavour'd to wrest H.M. Prerogative out of my hands by taking upon them the appointment of a Publick fast, which is ye undoubted right of the Crown and what has never been disputed since the Charter was granted. The reason they give for it is contain'd in the 6th page of the Printed Journall, and carries a great contempt for H.M. authority, vizt. "That if the appointment of such days has not the sanction of the whole General Court, persons are

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not liable to be punish'd if they work or travell thereon." Upon the whole then I must submit it to your Lordships whether the management of the last House of Representatives has been misrepresented to me, whether that House or the Memorialists have acted with a calm, moderate, loyall, and peaceable behaviour, without misunderstandings and animosities, and with due regard to H.M. Instructions or Prerogative, or whether I have deserved so rude, undutifull, and unpresidened a representation of my Speech to an Assembly which was dissolv'd; whether I have been treated and supported according to the dignity of my post. I hope your Lordships will rather think I have deserv'd your protection and support by using my best endeavours to maintain the character H.M. has been pleas'd to conferr upon me, and to keep close to my Instructions when it has been so prejudicall to my own private interest. And now, my Lords, I shall have done with the Memoriall, but think it my duty to acquaint your Lordships that the present house of Representatives without my knowledge or consent adjourned themselves from Wednesday July 12 to Tuesday July 18. Assoon as I heard it I sent the Sheriff to the severall places, where the Members were retired to command them to attend me in the Council Chamber where I spoke to them to this purpose. Gent: I have affairs of great consequence to lay before the Genl. Court, and therefore think it for H.M. and the Countries service to adjourn you only till Friday next. The Members upon their appearance told me they attended the Board only as private persons, and not a house of Representatives. Accordingly on Friday when I met the Councill I found only 33 of the House ready to act upon my adjournment. I must here observe to your Lordships that no number less than 40 constitutes a house. I therefore adjourn'd the Generall Court again from Friday July 14 to Wednesday July 19. If they don't make use of the opportunity I have given them to acknowledge their errors and to ask pardon (which I find was done in the same case during Sir William Phipps's Government) I shall dissolve this Generall Court. I have only this to add, that a great part of House of Representatives are very ignorant, and are misled into such proceedings not weighing the consequences that attend them; and that it is the unanimous opinion of H.M. Councill, that this behaviour of the House of Representatives is directly contrary to the Charter which vests in the Governors of this Provincee the absolute power of adjourning, proroguing, and dissolving all Generall Assemblies when he shall think fit.
Signed, Samuel Shute. Endorsed, Recd. 1st Sept., Read Nov. 7th, 1721. 10½ pp. Enclosed,

579. i. Votes of the House of Representatives of the Massachusetts Bay, June 22, 1721, referred to in preceding. Same endorsement. Printed. 4 pp.

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579. ii. Governor Shute's Speech to the Assembly of the Massachusetts Bay, March, 1721. *Referred to in preceding. Same endorsement. Copy. 1½ pp. [C.O. 5, 868. ff. 117–124v., 125v.–126v., 127v.]*

July 20. **580.** Governor Nicholson to Mr. Popple. *Refers to letters to the Board etc. Continues: I hope in God when the Assembly meets before they break up all affairs both ecclesiastical, civil and military will be settled etc. I am dayly in hopes of receiving their Lordps' commands etc. P.S. I have already agreed with a gardner to gett me some flowers plants etc. and according to your desire some shall be sent for your parradice at Hampstead. Signed, Fr. Nicholson. Endorsed, Reed. 16th Sept. 1721, Read 22nd June, 1722. 1½ pp. [C.O. 5, 358. ff. 137, 138v.].*

July 20. **581.** Council of Trade and Plantations to Mr. Nivine. Whitehall. Some queries arising out of objections urged against the Act of Antigua *for establishing a Court of King's Bench etc., 1719. [C.O. 153, 13. pp. 503, 504.]*

July 23. **582.** Order of King in Council. Approving draughts of Commission and Instructions for Governor Phenney etc. *Signed, Edward Southwell. Endorsed, Reed. 4th, Read 8th Aug., 1721. 1 p. [C.O. 23, 1. No. 38; and 5, 191. p. 117a.]*

July 25. **583.** H.M. Commission to Governor Phenney. Counter-signed, Carteret. *[C.O. 5, 191. pp. 119–122.]*

July 26. **584.** Council of Trade and Plantations to Lord Carteret. Whitehall. *Enclose copies of representation, July 1st, 1718, relating to the Danes having taken possession of St. Johns. H.M. pleasure not having been signified thereupon, enclose extract of letter from General Hamilton, 19th May, 1721. Autograph signatures. 2 pp. Enclosed,*

584. i. Extract of letter from Governor Hamilton, 19th May, 1721.

584. ii. Council of Trade and Plantations to Mr. Secretary Craggs. *v. C.S.P. 1st July, 1718.*

584. iii. *Same to the King. v. C.S.P. 9th Aug., 1717.*

584. iv. Copy of Governor Hamilton's Instructions relating to the Virgin Islands. *[C.O. 314, 1. Nos. 4, 4, i.-iv.; and (without enclosures) 153, 13. pp. 505, 506.]*

July 27. **585.** Henry Newman to the Council of Trade and Plantations. Middle Temple. The occasion of my memorial relating to the powder impost in New Hampshire (*v. March 31st*) was an Instruction I received from a Committee of the Council and Assembly of that Province 22nd July, 1720, "Whereas H.M. has lately

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prohibited any imposition of impost or powder money on the merchants ships here belonging to Great Britain etc. you are to lay that matter before the proper Board in order to obtain the Royal bounty herein." *Describes* his failure at the Board of Ordnance etc. and Governor Shute's directions to him thereupon Dec. 12, 1720, to adopt some other measures, etc. *Concludes*: The last Powder Act received the Royal approbation in Nov. 1706. I don't find that there has been any formal Act of repeal, but there is reason to believe the execution of it is suspended, if by a misconstruction of your Lordships' commands, *prays them* to explain it to that Government etc. *Signed*, Henry Newman. *Endorsed*, Reed., Read 3rd Aug., 1721. 1 p. [C.O. 5, 868. ff. 63, 64v.]

July 28. **586.** Mr. Popple to John Marsh. The Council of Trade Whitehall. and Plantations are ready to hear what you have to offer in relation to an Act of Antegoa to indemnify Ant. Brown etc. [C.O. 153, 13. p. 507.]

July 28. **587.** Same to Mr. West. *Encloses*, for his opinion thereupon, Acts passed at Antegoa, St. Christophers and Nevis, 1720, 1721. *Requests* reports upon other Leeward Islands Acts now in his hands, Col. Hart being upon his departure thither. List of Acts annexed. [C.O. 153, 13. pp. 507-510.]

July 28. **588.** Order of King in Council. Referring representations St. James's. of 17th inst., upon an Act of Barbados *appointing security to be given by appellees*, to the Committee for hearing appeals etc. *Signed*, Edward Southwell. *Endorsed*, Reed. 4th, Read 8th Aug., 1721. 1 p. [C.O. 28, 17. ff. 176, 177v.]

July 28. **589.** Order of King in Council. Referring Representation St. James's. of July 17th, concerning the Virginia passes, to Committee of Council for their report. *Signed*, Edward Southwell. *Endorsed*, Reed., Read 8th Aug., 1721. 1 p. [C.O. 5, 1319. No. 11.]

July 28. **590.** Council of Trade and Plantations to Lord Carteret. Whitehall. *Refer to* Representation of 30th March, recommending removal of Mr. Cox, President of Barbados, and that proceedings should be taken against him. *Continue*: We have since that receiv'd frequent complaints against him and some of a very high nature relating to extraordinary and illegal innovations made by him in the election of a new Assembly and of ye treatment of the said Assembly when elected (*copies enclosed*). If the facts contain'd in these papers should be veryfy'd, and Mr. Cox should not be able to give a sufficient answer thereunto, they will certainly demand ye severest sensure and punishment as tending to the entire subversion of ye liberty and constitution of that Island. Considering therefore ye great confusion

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Barbados is now in, and that we have not receiv'd from Mr. Cox any account of his proceedings since 4th Feb., tho' several ships are come from thence since ye matters complain'd of were transacted; we are humbly of opinion it is highly necessary for H.M. service, and the peace and quiet of that Island, that the Lord Belhaven appointed H.M. Governor there should forthwith repair to his Government; and that immediately upon his arrival, he should put the said Mr. Cox under arrest that he may be sent over to Great Britain by the first ship that shall come from thence to answer to those and such other complaints as shall be made agt. him by the people of Barbados for his evil administration. [C.O. 29, 14. pp. 135-137.]

July 29. **591.** Mr. Popple to John Ayscough. Upon Sir N. Lawes' Whitehall. complaint of difficulty in procuring a quorum in Council of Jamaica, enquires whether he designs to return, and when. *Similar letter to John Moore.* [C.O. 138, 16. pp. 297, 298.]

July 29. **592.** H.M. Warrant granting further leave of absence to St. James's. John Ayscough from the Council of Jamaica for a year. *Countersigned, Carteret. Copy.* [C.O. 324, 34. p. 59.]

July 31. **593.** Mr. Popple to Mr. West. Encloses Acts of Jamaica, 1721 (i) to oblige the inhabitants to provide themselves with a sufficient number of white people, etc., and (ii) for the relief of persons who have suffered from piracies and robberies at sea or on shore by any of H.M. subjects of this Island, for his opinion thereon in point of law. [C.O. 138, 16. pp. 298, 299.]

Aug. 1. **594.** Mr. Nivine to the Council of Trade and Plantations. *Replies to some queries from your Secretary relating to an Act of Antegoa for establishing a Court of King's Bench etc.* (i) The Freeholders have been exempted from arrests by four several Acts for establishing Courts, 1698, 1703, 1716 and this. The Act past in 1698 is the only Act for establishing Courts in that Island that has been confirmed, so that when any of the subsequent Acts of Courts have been disallowed by the Crown that Act has been revived and in force by virtue of such disallowance etc. *Signed, Will. Nivine. Endorsed, Reed. 1st, Read 9th Aug. 1721. 2 pp.* [C.O. 152, 14. ff. 1, 1v., 2v.]

Aug. 1. **595.** Governor Burnet to the Council of Trade and Plantations. *Abstract. Refers to enclosures.* The Board's letter of 13th Nov. 1711, on amendments by a Council to money bills will serve as a just censure on that part of the Assembly's conduct. He has printed, at his own expense, the Act (encl. i) for the support of Government, with the Council's amendments which the Assembly [of New Jersey] not only rejected, but ordered the Council not to amend the bill, which is a new way of treating the Council

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and of a piece with their behaviour to him. Thinks this publication will have a good effect in a new election. *Encloses* Minutes of Council. Proper measures taken on this occasion may be of lasting use. As this province has always been full of restless unreasonable men, who gave the Board much uneasiness in Brigadier Hunter's time, hopes they will take effectual methods to shew them that they are dependant on the Government at home, and that he will be supported when they shew their disregard to his Instructions, and he refuses a revenue at the expense of breaking them. The Minutes of Council show that the chief instrument of their ill-humour was a professed Jacobite, George Willocks, to whom he tendered the oaths, and on his refusing them took security for his good behaviour. He moved the sessions from Bridlington to Perth Amboy on the advice of the Council, so that he might try them a little longer and being nearer to New York divide his time between the two Assemblies. But this was of no effect, so he dissolved them. "Of 24 Members I had 9 firm to my interest, and 13 determined by mutual promise, to stand out against me, and two wavering, so that with some management I do not despair of working a change." *Suggests* easy remedies to discourage this turbulent spirit and procure a good choice of a new Assembly. First, the disallowance of the two acts prejudicial to the Secretary's office. This they would take as a check to them for flying in the face of the Government, and an instance of the care taken at home of the officers, when they are doing all their endeavours to starve them. They will never repeal these laws themselves, for they would be glad to have no officers in the province nor a Governor neither, unless he were of their own appointing, tho' their own feuds made them weary of such a one formerly, and would do so again. Secondly, a small alteration in the 16th Instruction relating to the choice of an Assembly, which would also be but an act of justice. *Proposes* that the new county of Hunterdon, formed by Governor Hunter, which is now as large and populous as any of the rest, but has no members to represent it, the inhabitants continuing to vote in Bridlington county, should have two members. Thus each of the (now) five counties in West Jersey would choose two members, as the five in East Jersey do. "As the town of Salem obtained members mainly for no other reason than because there was one county less in West than in New Jersey, so now that reason ceasing, it seems unreasonable that they should any longer have so great a privilege above their neighbours, for this town of Salem is a very poor fishing village of about twenty houses and not above 7 or 8 voters" etc. Its members have been the ring-leaders in the opposition to the Government, and are the more insolent because they are sure of being re-elected etc., whilst on the other side the county of Hunterdon would send very loyal men etc. Till this or some other measure be taken, he

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cannot expect a good election, which makes the support of government stand entirely still in that province *etc.* An act passed in Lord Lovelace's time, in pursuance of the instruction now in force, may be urged against it. But this act is now only to be found in print, the original not being on record in Jersey or New York, and is supposed to be carried among Lord Lovelace's papers. Nor was a duplicate ever sent home for approbation. This is so well known to be the case of several other acts that in Brigadier Hunter's time, a bill was brought into the Assembly to enact all those printed acts, whose originals were lost, but this bill was rejected as irregular in its nature. *Refers to encl. i.* to show that, even if it were upon record, the act would be void because contrary to the Instruction *etc.* *Concludes:* — The Assembly [of New York] is just now broke up, after passing several acts. We agree very well and this province is as remarkably quiet and happy and affectionate to me as the other is the reverse. I am very impatient for your Lordships' commands in answer to my account of the former session of this Assembly and shall transmit the minutes and acts of this session as soon as they can be got ready. *Set out,* N.J. Archives, 1st Ser. V. 10. *Signed,* W. Burnet. *Endorsed,* Recd. 20th Sept., 1721, Read 9th Jan., 172 $\frac{1}{2}$. *Holograph.* 10 pp. *Enclosed,*

595. i. Speeches by Governor Burnet and Addresses of Assembly during the session begun at Bridlington, 28th Feb., 1721, together with letter from the Board of Trade, 13th Nov., 1711, and an Act for the support of Government *etc.* *The whole, Printed. Endorsed as preceding.* 30 pp. [C.O. 5, 972. ff. 19—40v., 41v.]

Aug. 2. 596. Council of Trade and Plantations to Lord Carteret.
Whitehall. We have received a letter from Mr. Burnet *etc.* (18th June) relating to the application of the French to fortify themselves at Niagara, and to seduce the Sinnekees one of the Five Indian Nations in those parts contrary to the 15th Article of the Treaty of Utrecht, which, if effected, will prove of dangerous consequence to our Settlements there. Wherefore we are of opinion that no further time shou'd be lost in sending the usual presents to the Five Nations of Indians, and the necessary stores of war for ye garrisons of New York and Albany, according to what we propos'd to the late Mr. Secretary Craggs, 14th Dec. last, and we desire you'll be pleas'd to receive H.M. directions thereupon. [C.O. 5, 1124. p. 262.]

Aug. 2. 597. Mr. Popple to Mr. Lowndes. *Encloses* extract of Governor Hamilton's letter, 19th May, complaining of Governor Sir N. Lawes' letter, *etc.* to be laid before the Lords of H.M. Treasury. *Continues:* Sir Nicholas Lawes has signified to my Lords Commissioners for Trade, that he had with the advice

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of the Council and Assembly of Jamaica sent proposals to the people inhabiting the Virgin Islands to move to Jamaica *etc.*, tho' we find by the same letter that the Assembly had hitherto not agreed to the necessary measures proposed for this purpose *etc.* My Lords Commissioners for Trade having proposed (7th Aug. and 16th Oct. 1717) that out of the French part of St. Christophers there should be reserved a certain quantity (*of land*) not exceeding 3000 acres lying most contiguous to the sea-coast which should be given gratis in small plantations to poor families *etc.*, and having represented, 16th Oct., 1717, that their Lops. conceived it highly necessary for H.M. service that the Governor of the Leeward Islands should have orders without loss of time to assure not only the inhabitants of Anguilla but all the other poor planters in like circumstances there in H.M. name that they should be allowed to settle in St. Christophers *etc.*, my Lords Commissrs. continue of opinion that it will be for H.M. service in the better securing and improving the Island of St. Christophers, that directions should immediately be given for settling the poor inhabitants of the Virgin and other adjacent Islands, in the manner before mention'd at St. Christophers, where they may be more usefull and necessary than at Jamaica, supposing the design for settling them there could take effect, which however appears to be so very doubtfull that there is more reason to apprehend these poor people may at last be engaged absolutely to quit H.M. Dominions and settle in some French or Dutch Plantations; the consequence whereof would, be very bad to the Leeward Islands which are in great want of white inhabitants. [C.O. 153, 14. pp. 1-4.]

Aug. 3. **598.** John Ascough to Mr. Popple. Has obtained H.M. leave of absence for another twelvemonth, awaiting determination of a suit in Chancery *etc.* Signed, J. Ascough. Endorsed, Reed. 4th, Read 9th Aug. 1721. Addressed. 1 p. Enclosed, 598. i. Duplicate of leave of absence, July 29th. [C.O. 137, 14. ff. 3, 4, 5v.]

Aug. 3. **599.** Mr. Popple to Mr. West. Encloses Acts of Jamaica, Whitehall, 1720, (i) *for fitting out sloops for the guarding the coast, etc.* and (ii) *to impose duties to defray the extraordinary charges of the Government* for his opinion thereupon in point of law. Presses for report upon Acts sent him 26th Dec. [C.O. 138, 16. pp. 299, 300.]

Aug. 4. **600.** Lord Carteret to the Council of Trade and Plantations. Whitehall. You are to prepare an Instruction for John Hart, Esq., Govr. of the Leeward Islands, agreeable to that which you have been directed to prepare for the Lord Belhaven by my letter of the 5th past. Signed, Carteret. Endorsed, Reed. 5th, Read 9th Aug., 1721. 1 p. [C.O. 152, 14. ff. 3, 4v.]

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Aug. 4.
Haberdashers' Hall.

601. Mr. Marsh to Mr. Popple. Desires, in behalf of Dr. Wickham, copies of proceedings at Antigua relating to the Act for building a parish Church *etc.* (v. 28th July). *Signed,* Jno. Marsh. *Endorsed,* Recd. 4th, Read 9th Aug., 1721. *Addressed.* 1 p. [C.O. 152, 14. ff. 5, 6v.]

Aug. 5.

602. Mr. Attorney and Mr. Solicitor General to the Council of Trade and Plantations. *Reply to June 30th.* We have been attended by the Agents of the parties who claim the Province of Pensylvania *etc.* and heard what hath been alleadged on both sides, and are of opinion that no part of Delaware River or the Islands lying therein are compriz'd within the granting words of the Letters Patents granting the Province of Pensylvania or of the grant of New Jersey; but we conceive that the right to the same still remaines in the Crown. *Endorsed,* Reed. Read 9th Aug., 1721. 1 $\frac{1}{4}$ pp. *Enclosed,*

602. i. Extract of grant of New Jersey, 1664. 2 $\frac{3}{4}$ pp.
[C.O. 5, 971. Nos. 91, 91. i.]

Aug. 7.
Custom-house,
London.

603. Mr. Carkesse to Mr. Popple. *Reply to 1st July.* Their is no law of this Kingdom that prohibits the importing indigo from the French Plantation to any of H.M. Plantations or from being brought thence to great Brittain neither is there any law that prohibits the importation of indigo of the produce of the French or any other forreigne Plantations from being brought directly to Great Brittain only on the importation thereof here the same is subjected to a much higher duty than indigo of the produce of H.M. Plantations. As to seizures on the Acts of Trade and Navigation, it is the opinion of the Sollicitor of the Customs that not only the officers of the Customs but also the Governour and Navall Officer have power to seize either ships and goods for the breach of any of those Acts and that the clearing any ship and cargoe by one officer will not prevent the same from being seized by him or any other officer in case it shall afterwards appear to be liable to forfieture by any of the Acts of Trade and Navigation. But as to the present case the indigo in question being seized on a law passed by the Assembly of Jamaica the Commissioners presume the Lords of Trade can better judge *etc.* *Signed,* Cha. Carkesse. *Endorsed,* Recd., Read 8th Aug., 1721. *Addressed.* 2 pp. [C.O. 137, 14. ff. 1, 1v., 2v.]

Aug. 8.
Whitehall.

604. Mr. Popple to Horatio Walpole. Desires to know whether the Lords of the Treasury have any objections to Mr. Berwick being reinstated in the Council of Barbados, he having been suspended upon complaints made to them by Mr. Walpole. [C.O. 29, 14. p. 138.]

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Aug. 9.
Whitehall.

605. Council of Trade and Plantations to Lord Carteret.
Enclose draughts of Instructions for Governor Lord Belhaven.
Continue : We have inserted Tobago by name in the titles of these draughts, having done the same in his Commission which H.M. has been already pleas'd to approve. The 2nd Article contains the names of the Councillors which are the same who have for some time served in that imployment, except only Mr. Cox, whom we have left out for the reasons mentioned in our letters of 30th March and 28th July, and have inserted in his stead Colo. Brome, who has been recommended to us as a person very well qualify'd to serve H.M. in that station. We have left in the names of Mr. Frere and Mr. Berwick, altho' they are both under a suspension, the former by order of Mr. Cox and the latter by an order of Mr. Lowther upon a complaint from the Auditor of the Plans. because it has been usual to lay before H.M. with the Instructions for a Govr. the full number of the Council, and we wou'd not take upon us to put any other persons in the stead of the abovemention'd gentlemen, till H.M. shall have declair'd His pleasure concerning them. The Articles in ye draught of General Instructions, which are number'd 3, 9, 10, 11, 16, 17, 19, 21, 23, 24, 29, 31, 34, 35, 37, 55, 57, 60, 63, 67, 74, and 82 are somewhat varied from the Instructions given to Mr. Lowther, conformable to the Instructions to Sir Nicholas Lawes approved 18th Dec., 1717, and the 98th Article is now but conformable to H.M. said Instructions to Sir N. Lawes. To the 18th Article, relating to the passing of private Acts, we have added ; That the Governor take care that in all such private Acts there be a clause inserted to prevent their being in force, till they shall have receiv'd H.M. Royal approbation, and that publick notification be made of the parties intention to apply for such act in the several parish churches where the premisses in question lye, before the same be brought into the Assembly, which addition we most humbly submit to H.M., altho' we were in due'd to make the same, by observing the great negligence and informality in the passing of such laws, which however are immediately in force in the respective Plantations after they are pass'd whereby divers persons have been concluded in their titles and properties ; and those in whose behalf such Acts have been pass'd, have sold the estates convey'd to them, and gone off the Island with their effects, whereby the persons aggriev'd have been left without remedy. The 20th Article against ye passing laws whereby bills of credit may be struck, or mony paid to the Govr., or any of the Council or Assembly without a clause declaring such Acts not to be in force, till approv'd of by H.M., is agreeable to the Additional Instruction which we laid before their Excellencies the late Lords Justices, 11th Aug., 1720, pursuant to H.M. Order in Council of 19th May foregoing. And in obedience to H.M. particular commands, 5th July last, we have

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prepared the 26th Article relating to the Lord Belhaven's appointments and H.M. permission to him to receive such addition as the Assembly shall think fit to his salary *etc.*, whereby the 112th Instruction to the late Governor is become unnecessary, and therefore omitted. The latter part of the 29th Article, after the words, *particular order for that purpose* (*v. infra, art. 30*), is intirely new and design'd to prevent for the future the same inconveniences and disturbances, which have lately happen'd in that Government, from ye present President's having taken upon him to exercise a very unusual liberty of making as many changes in all offices there both civil and military, as the Govr. himself directly appointed by H.M., might have done. After the words, *under his sign manual, dated the 16th of March, 1705*, in the 42nd Article, we have added the words, *Whereof a copy will be herewith deliver'd to you*, and have annex'd to this draught of Instructions a copy of a letter of His late Majesty King William, as necessary for the Lord Belhaven's information. We have omitted the conclusion of the 50th Article of the Instructions to Mr. Lowther, as being provided for in the 57th clause of these Instructions. The 59th Article is new, and was prepar'd at the request of the Commrs. of the Customs, upon complaint from their officers in the Plantations, that they are frequently oblig'd to serve on juries and to appear in arms, to the hindrance of the execution of their employments. A Court of Exchequer having been establish'd in Barbados, and the intent of the 58th Article of the Instructions to the late Govr. being thereby answer'd, we have omitted that Article. The 76th Article is likewise omitted, as being provided for by the particular Instructions likewise herewith transmitted in pursuance of the several Acts of Trade and Navigation. In Articles 90, 91 and 92 relating to the particular encouragement to be given to the Royal African Company, we conceiv'd it necessary to include others H.M. subjects trading to Africa. The 100th Article of Mr. Lowther's Instructions, which recommended the raising of publick work-houses; we are humbly of opinion, is unnecessary in Barbados, where there is a great want of white people. *Annexed,*

605. i. Draught of H.M. Instructions to John Lord Belhaven, our Captain General and Governor in Chief in and over our Islands of Barbados, Sta. Lucia, Dominico, St. Vincents, Tobago and the rest of our Charibbee Islands lying to windward of Guardaloupe in America. *v preceding. Articles 26, 29, 59, run as follows:—*
Art. 26. And whereas the salary of £1200 sterl. pr. annum, formerly assign'd out of the duty of 4½ pr. cent. arising in our Island of Barbados for ye Governor in Chief of that Island was not thought sufficient for his support, it was thought fit to add £800 sterl. pr. ann. out of the said duty *etc.*, But as it has been

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represented to us, that £2000 sterl. pr. annum is not at present sufficient for the support of our Governour there, and the dignity of that our Government, we are graciously pleas'd to permit and allow that the Assembly of our said Island of Barbados may, by any Act or Acts, settle upon you such sum or sums in addition to your salary as they shall think proper, and you are hereby allow'd to give your assent to any act or acts of Assembly for that purpose, provided such sum or sums be settled on you and your successors in that Governmt. or at least on you, during the whole time of your Government there; and provided the same be done by the first Assembly after your arrival in that Island.

Art. 30 directs the eldest Councillor whose name is first placed in H.M. Instructions to the Governor, to take upon him the administration of the Government in case of the death or absence of the Governor, if there be no Lt. Governor commissioned or appointed by H.M., but in such case "it is nevertheless Our express will and pleasure that the said President, shall forbear to pass any acts but what are immediately necessary for the peace and welfare of the said Island, without Our particular order for that purpose, and that he shall not take upon him to dissolve the Assembly then in being but do allow them to sit till the term of their sitting be expired according to an Act passed in Our said Island the 6th of August 1660, entituled an *Act for limiting the Assembly's continuance*. It is likewise Our will and pleasure, that the said President do not remove or suspend any of the members of Our said Council, nor any Judges, Justices of the Peace or other officers, civil or military, without the advice or consent of at least seven of the Council, nor even then without good and sufficient reasons for the same, which the said President is to transmit over signed by himself and the Council to Us and to Our Comrs. for Trade and Plantations by the first opportunity."

Art. 59. "And whereas several complaints have been made by the Surveyors General and other Officers of Our Crown in Our Plantations in America, that they are frequently oblig'd to serve on juries and personally to appear in arms whenever the Militia is drawn out, and thereby are much hinder'd in the execution of their employmts., Our will and pleasure is that you take effectual care and give ye necessary directions, that the sevl. officers of Our Customs be excus'd and exempted from serving on any juries or

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personally appearing in arms in the Militia, unless in cases of absolute necessity, or serving any parochial offices which may hinder them in the execution of their duties. [C.O. 29, 14. pp. 140-221.]

Aug. 9. **606.** H. Walpole to the Council of Trade and Plantations.

Reply to 8th Aug. The Lords Commissioners of H.M. Treasury had adjourned themselves till Monday sevennight before I was favoured with your letter etc., so that I cannot at present send you precisely their sentiments etc. But as you seem to desire an immediate answer I beg leave to observe that as Mr. Berwick was suspended upon my complaints for his not having given in a sufficient account of H.M. casual revenue in Barbados for whch. he has acted as Receiver ever since 1706, the accots. he has since rendered of his reects. and issues are as irregular and confused as ever, and therefore the reasons for his being removed subsist as strongly in my opinion against his being restored to the Council. *Signed,* H. Walpole. *Endorsed,* Recd. Read 10th Aug., 1721. 1 p. [C.O. 28, 17. f. 178, 178v.]

Aug. 9. **607.** Council of Trade and Plantations to the King.

An Act having been pass'd in Jamaica, Jan., 1716, to prevent all fraudulent trade to Hispaniola and other foreign parts, by which act every master or owner of a vessel lading in that Island, before he be clear'd from thence, is obliged to declare on oath the quantity of indigo on board his vessel, that the same is of the growth and produce of Jamaica, and that he will not in the course of his voyage homewards take in any other indigo, under the forfeiture of £500, one half thereof for the support of the Government of that Island, and the other half to the informer; this being a restraint on the Trade and Navigation of your Majesty's subjects of this Kingdom, not warranted by any of the Laws of the same, and as the Act is besides prejudicial to your Majesty's Royal Prerogative, we should have laid the same before your Majesty for your disallowance soon after it was transmitted to us, if Sir N. Lawes, believing some parts of this Act to be at that time usefull and necessary to that Island, had not desired in the most earnest manner that it might continue in force, till he could get another Act pass'd which might not be liable to the same objections; But as the Governor has lately informed us, that his endeavours for this purpose have hitherto been and still are likely to be ineffectual, notwithstanding our objections to this Act had been laid before the Assembly, we humbly offer that your Majesty may be graciously pleased to declare your disapprobation of the said Act. [C.O. 138, 16. pp. 301, 302.]

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Aug. 9. **608.** Same to Lord Carteret. *Reply to 4th May.* We have heard petitioners and several merchants trading to Jamaica etc. relating to searching of ships there. (*quoted*). Continue:—The seizure complain'd of was certainly made as appears not only by affidavits but likewise by the acknowledgment of Sr. Nics. Lawes who justifys the same, as being done by virtue of a clause in the Revenue Act of that Island (*quoted*). But as this clause relates to searches to be made at land only for such goods as are landed and supposed to have been landed without paying the duties mention'd in that Act, we do not conceive that the seizure complain'd of can be justify'd thereby. It does not appear to us that there was any proof made that the indigo so seiz'd was French or that it had been landed at Jamaica without paying the duties, in which case only indigo and other goods by the foremention'd Revenue Act are seizable even at land there, but the importing of all indigo into this Kingdom is lawfull and ought to be encouraged. For which reason we humbly offer that H.M. pleasure be signify'd to the Governor of Jamaica, that the said indigo and other goods so seiz'd as aforesaid or the value thereof be immediately restored to the owners. [C.O. 138, 16. pp. 303–307.]

Aug. 10. **609.** Order of King in Council, empowering Governor Lord St. James's. Belhaven, if he thinks it expedient, to restore John Frere to his place in the Council of Barbados, upon the report of the Lords of the Committee, upon the petition of Frere, setting forth his having repair'd into England in obedience to the order of the Lords Justices, to answer a complaint of his not complying with the late Mr. Secretary Craggs's letter of 11th June, 1720, as also the petition of Sr. Charles Cox, on behalf of his brother Samuel Cox, President of Barbados; Their Lordships having heard the same by Councill learned, and what Mr. Frere had to offer in answer to the charge of a contempt for not paying due obedience to H.M. pleasure signifyed as aforesaid by letter from Mr. Secretary Craggs, are of opinion that he was disobedient to H.M. commands, but the same might proceed from a mistake in the said Frere, and not from any wilfull disobedience etc. Signed, E. Southwell. Endorsed, Recd. 17th, Read 18th Dec., 1723. 1½ pp. [C.O. 28, 17. ff. 578, 578v, 579v.]

Aug. 10. **610.** Council of Trade and Plantations to the King. Representation upon Acts of Antegoa (i) for declaring the qualification of voters etc., by which Act it is declared that no person shall be capable of being chosen an Assembly man who is not seized in his own right of £300 pr. annum in lands, and that no person shall vote in elections that has not a freehold of 10 acres of land or a house valued at £20 pr. annum in the town or division where the election is to be, besides this the Assembly of Antegoa do not only claim and enact for themselves by this Act all such

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priviledges as are enjoyed by the House of Commons of Great Britain, but do even attempt to grasp at more power than any House of Commons ever yet exercised, which has hitherto never been allowed to Assemblys in the Plantations, and we humbly presume will not now be thought proper or necessary. For these reasons we are humbly of opinion this Act ought to be repealed. (ii) To the Act *for establishing a Court of King's Bench, Common Pleas etc.*, there are ye following objections, (a) It exempts all freeholders from arrest, which besides the prejudice it may be to private persons, does not so much as except such cases in which it may be necessary for the Governor by law to arrest even criminals of State. (b) It enacts that all tryals shall be by Jury of 12 men, whose only qualification required is, that they be Protestants, and tho' they have repeal'd in another clause of this Act, all laws relating to legall proceedings there is no oath either prescribed by this Act, or to be taken by jurors, neither is there any remedy provided against jurors corruptly giving a false verdict. (c) Upon days of tryals it is in the power of either party upon application to the Court to put off the tryal upon payment of costs not exceeding £5, which is unreasonable since the full costs of the day ought to be tax'd to the party aggrieved. (d) In case of execution upon lands or tenements the oath of the Agent or Attorney of the Defendants that the defendant hath not concealed or made away any part of his effects is admitted to prevent execution being actually levied upon them, which is not only unjust as to the Plaintiff, the personal oaths of the defendant being in reason only to be taken, but also opens too large a field to perjury. (e) It is enacted that when any negroes cattle, etc., are taken in execution they shall be delivered back to the defendant upon his giving bond to the Marshall of double the value for the redelivery of them within 60 days; which is unreasonable, since, where the effects of the defendants are not worth more, than the debt and charges amount unto, such bond of the defendant is no security to the plaintiff, that the effects will not be concealed, and made away in order to defraud him of his judgement and execution. (f) It is enacted that the Provost Marshall shall be liable to a fine of £20 for acting in the execution of his office in any wise contrary to this Act, in which ease the oath of only one witness is required, nor is there to be any tryal by jury to prove him guilty of what is laid to his charge. (g) The Officers of Courts have an attachment granted them inmediately for the recovery of their fees without being oblig'd to prove their demands by jury or otherwise. (h) The Justices of the Peace are constituted the standing Judges of Oyer and Terminer, whereas special Commissions ought to issue for that purpose. This is contrary to your Majties. Royal Prerogative as well as to your Instructions to the Governor, and may in many cases be prejudicial to your

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Majty's. service. (*i*) No execution is to be issued out on any judgement for debt contracted before the Act, unless the Plaintiff will forbear to levy the execution for two years after the date of this Act. Upon the whole, altho' there are several things in this Act proper for the regulation of the Courts established by it, and it hath corrected several of those errors and mistakes which were in a former Act, for which that Act was repealed, yet for the objections above-mentioned, we are humbly of opinion, that your Majty. be pleased to signifie your disapprobation of this Act. [C.O. 153, 14. pp. 4-9.]

Aug. 14. **611.** Mr. Popple to John Moore. *Refers to* letter of 29th Whitehall. July. *Concludes* :—Unless their Lordships receive your answer very soon they will recommend some fit person to supply your place etc. [C.O. 138, 16. p. 308.]

Aug. 15. **612.** H.M. Warrant for appointing Thomas Walker Chief St. James's. Justice of the Bahama Islands and discharging Christopher Gale. *Countersigned*, Carteret. *Copy.* [C.O. 324, 34. pp. 60, 61.]

Aug. 16. **613.** Governor Hart to Mr. Popple. I have arranged with Col. Smith in relation to supplying the vacancies in the Council of Nevis, etc. Recommends *as per enclosure*. *Signed*, Jo. Hart. *Endorsed*, Recd. 16th, Read 25th Augt., 1721. 1 p. *Enclosed*,

613. i. Col. Smith to Governor Hart. Battersea, Aug. 8th, 1721. Encloses following etc. *Signed*, Dan. Smith. *Enclosed*,

613. ii. Councillors for Nevis, proposed by Col. Smith:—James Symonds, Jos. Symonds, Roger Pemberton, Mich. Williams, James Browne. *Small slip.* [C.O. 152, 14. ff. 17, 18, 19, 20v.]

Aug. 16. **614.** Governor Philipps to the Council of Trade and Plantations. *Acknowledges* letter of 23rd Sept. last, and duplicate of 21st July, 1720, with thanks for their replies to every particular matter mentioned in his letters up to that date. *Continues* :—The affaires of this Province continue without alteration, all sides waiteing the result of the Councill's of Great Brittaine. In the meantime I have information from Boston that the Governor has lately received a very insolent letter from the Indians of that quarter assembled with their priest to celebrate some festival, upon which it has been thought adviseable to arm. If a rupture ensues, we shall not long be quiet here, it being said, some of our Chiefs are gone thither, but it may be no more then a drunken inspiration, and when they hear of troops marching, end in a peccavi, etc. The vessell which has been building at Boston for the survey and other service of the

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Province (then which nothing was more wanted and the obtaining thereof cheifly oweing to your Lordshipps) arriv'd here but three dayes since, and two months later than I hop'd for, so that little progress ('tis fear'd) can be made this season in the survey of the coast, however your Lordshipps cannot be at a loss in forming measures for the security of this countrey against next spring from the representations already made, and which lye before you. And as Cansoe is the first place proposed to be fortified, I am now bound thither with the Engineer to prepare a plann thereof to be transmitted in the fall. It is possible we may have time also to survey the harbour of Lehave and Chibucto, but I shall be under the necessity of hirng a vessell to bring the remainder of three companys from Placentia to this garrison with all their provissions, which requires a much larger hold than this small Province sloop is furnish'd with : and were she capable to performe that service (as she is not). It is my humble opinion that the loss of time is of more consequence in the settling of this country, than the expence thirty pounds sterlind and in this respect I pray your Lordshipps to be judges of the difficultys I labour under beyond any other of H.M. Governors inasmuch as no contingencys being allowed nor tax or dutys any ways arising to defray the necessary charges ; it lyes wholly upon me to supply the meanes ; at the same time have only the justice of the Goverment to trust to in passing my accounts. I hope your Lordshipps will be so good to procure a remedy for this evil, it being impossible for me to beare the weight. The Kings presents for the Indians are arrived by this opportunity ; having layn all the winter at Boston, and it being my intention to assemble their Chiefs and deliver them in a formall manner, under obligations for their peaceable and friendly behaviour to H.M. subjects ; I must deferr it till my returne, by which time their temper will be better knowne, and by the issue of their meeting beforementiond may judge if they deserve the favour etc. I shall transmitt from Cansoe the account of this yeares fishery, which I am inform'd is abundantly great, and will I hope contribute much towards the settlement of this Province.

Signed, R. Philipps. Endorsed, Recd. 6th, Read 7th Nov., 1721. 4 pp. [C.O. 217, 4. ff. 42-43v.; and (abstract, with marginal notes for reply), 217, 30. p. 14.]

Aug. 17. **615.** Council of Trade and Plantations to Lord Carteret.
Whitehall. Enclose draught of Instructions relating to the Acts for Trade and Navigation for Governor Phenney, in the usual form.
[C.O. 24, 1. p. 66.]

Aug. 17. **616.** Council of Trade and Plantations to the King. Representation upon Acts of Barbados, 1714-1720. These are laid before H.M. in three classes (a) Those that are expired or

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temporary and require nothing further to be done upon them. (b) Acts recommended for H.M. approval. Two private acts for docking entail of estates relating to Jesurum and John Jones, and Elisha Goulding, respectively, are reported as wanting the general saving clauses required by H.M. Instructions. "But as several private Acts have formerly been allowed without the like clauses, and as we have hitherto receiv'd no complaint concerning these," submit them for confirmation, "but we hope that more caution will be had for the future in the passing Acts of this nature conformable to your Majesty's usual Instructions in this particular and to such further restrictions as we have taken the liberty to propose" in Lord Belhaven's Instructions etc. (c) 33 "Acts concerning the usefulness and effect whereof we are hitherto doubtful, and therefore humbly propose that they may lye by probationary till further experience thereof shall incline your Majesty to confirm or repeal them." (d) Acts offered for H.M. disallowance. (e) An Act for depriving *William Gordon, Clerk, of his benefice, and disabling him from enjoying any ecclesiastical living etc. in this Island, etc.* Which act sets forth that the said Gordon, Rector of St. Michael, then did and for several years past had led a very loose vagrant and wicked life, and is a person very much given to lying and slandering, a common incendiary and disturber of the public peace, etc., with several other allegations therein enumerated: But as those assertions do not appear to us to have gone through the ordinary methods of proof, the said Act being pass'd during Mr. Gordon's absence from Barbados, whereby he was deprived of all opportunities of making his defence there; and the substance of the said allegations having been reported by a Committee of your Majesty's Most honble. Privy Council to be altogether groundless, which order was confirm'd by order of the Lords Justices, 5th Oct., 1720, we humbly offer that your Majesty may be pleas'd to repeal the same. (2) *Act for the better regulating the power of vestries etc.* Altho' this Act by its title and preamble seems to be general yet upon enquiry we find Mr. Gordon is the only person affected thereby, and that the same would deprive him of an annual income which he has legally injoyed for many years past; by the free will of his parishioners, without complaint from any of them that they have been overburthened thereby, for which reason we humbly propose this Act to be repealed. [C.O. 29, 14. pp. 222-243.]

Aug. 17. 617. Mr. Popple to Mr. Carkesse. Encloses copies of Act Whitehall. of Antigua to impose a duty on sugar, molasses, rum, cotton and ginger of the produce or manufacture of the French King's Colonies imported into this Island, and of Governor Hamilton's letter, 30th June, and papers relating thereto, to be laid before the Commissioners of Customs. In consideration that Col. Hart

1721. is upon his departure, and that it will be necessary H.M. pleasure be declared upon the said Act before he go, *desires speedy reply etc.* [C.O. 153, 14. pp. 11, 12.]

Aug. 18. **618.** Same to Governor Shute. Encloses copy of Mr. Newman's Whitehall Memorial, 27th July, and enquires reason for suspending Act [of New Hampshire] about powder money, 1702, "which was confirmed by Her late Majesty in Council 19th Nov., 1706, and is looked upon to be in force." P.S.—Encloses duplicates of March 17 and 18 and *acknowledges* letter *etc.* of 1st June, "which the Lords Commrs. have under consideration." [C.O. 5, 915. p. 328.]

Aug. 18. **619.** Address of the Commons House of Assembly of South Carolina to the King. Our true and grateful sense of your Royal goodness in taking this Colony under your own immediate protection, and Government, is not to be sufficiently express, and this your Majesties necessary care and tenderness for your subjects at so remote a distance from your Royal Person with other innumerable obligations, will naturally bind them and their posterity to be for ever most firmly and affectionately attach'd to your Majesty and your successors. The mild and wise administration of H. E. Francis Nicholson Esqr. *etc.* is a very sufficient proof to us of your Majesties great wisdom and care for your remote subjects, and we are fully convinced how much your Majesty has at heart the interest of our established Church, the liberty of conscience allow'd to such as are soe unhappy as to dissent from it, and the general good of the whole community *etc.* Ends as No. 760. Signed, Ja. Moore Speaker. Presented in Council Aug. 18, 1721. Endorsed, Inserted in ye Gazette of Jan. 27th, 172 $\frac{1}{2}$. 1 large p. [C.O. 5, 382. No. 25.]

Aug. 21. **620.** Lord Townshend to the Council of Trade and Plantations. His Majesty has commanded me to signify to you his pleasure, that you lay before him a representation of the state and condition of H.M. Colonys on the Continent in America, with your opinion what methods may be taken for the better Government and security of the said Colonies; your Lordships having received the like direction last year from the Lords Justices, H.M. does not doubt but you have made such a progress in this affair, that you will very soon be ready to make your report thereupon; I have likewise received H.M. orders to signify to you his pleasure that you lay before him, in a Representation, your thoughts as to the most proper methods for encouraging the importation of timber, naval stores and mineral oars from H.M. Plantations in America; and H.M.

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hopes you will lose no time in preparing and laying before him the said Representations. *Signed*, Townshend. *Endorsed*, Reed. 21st, Read 22nd Aug., 1721. $1\frac{1}{2}$ pp. [C.O. 323, 8. No. 20.]

Aug. 23. **621.** Samuel Cox to the Council of Trade and Plantations. Barbados. *Transmits* Minutes of Council, 25th Jan.–6th April, 1720 (1721),

in which your Lordships will see the reasons I had for displacing the Judges of H.M. Courts of Common Pleas. But through the neglect or design of Mr. Lenoir the Deputy Secry. here, I could not transmitt them sooner etc. *Refers to enclosure i.* I have lately rec'd. two Orders of H.M. Council, 28th May (*for restoring suspended Councillors and civil and military officers*) ; to both which I have paid a ready and chearfull obedience. I am sorry to be forced to acquaint your Lordships that the restored Members of Council have ever since they were restored, don all in their power not only to insult and chagreen me, but have also endeavour'd to obstruct the very administration by quarrelling with the Assembly ; and endeavouring to destroy the Excise Duty, which is the only tax whereby the Governmt. is supported. About a month ago upon some private notice given me, that there were some French traders on the coast, I issued an order to Capt. Brown, Commander of H.M.S. *Feversham*, to impress boats to assist him, to goe and seize them, which he accordingly did and brought in ten saile of sloops and shallops into this road, and after they had been here in custody some days, and lybell'd in the Court of Admiralty six of those sloops were by the restor'd gunners [*of the forts*. Ed.] permitted to steal out of the road in the night, the rest are secur'd, and will be condemn'd, and disposed of as the Acts of Parliament directs, and I intend to make a strict enquiry, how farr ye gunners etc. are concern'd in those sloops, that gott away. *Encloses* lists of ships entered and cleared, 25th Sept. 1720–25th June, 1721. *Refers to* enclosed address by some pirates. *Signed*, Saml. Cox. *Endorsed*, Reed. 16th, Read 17th Oct., 1721. *Addressed*. 2 pp. *Enclosed*,

621. i. Deposition of William Crookshanks, formerly clerk in the Secretary's Office, Barbados, 13th May, 1721. As to delay made by John Lenoir, Deputy Secretary, in delivering copies of minutes of Council from 24th Jan. to be sent to England etc. *Signed*, Wm. Crookshanks. $1\frac{1}{4}$ pp.

621. ii. Deposition of Herman von Lengerken, formerly Clerk in the Secretary's Office, 13th May, 1721. *Confirms preceding*. *Signed*, Herman von Lengerken. 1 p.

621. iii. Deposition of Edward Freeman, Clerk in the Secretary's Office, 13th May, 1721. *Corroborates No. i.* *Signed*, Edward Freeman. 1 p.

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621. iv. Deposition of Richard Trant, Clerk in the Secretary's Office, 13th May, 1721. *Signed*, Richd. Trant. $1\frac{1}{4}$ pp. *Nos. i-iv endorsed as covering letter.*
621. v. Petition of John Massey and George Lowther to the King. Having run away with the ship *Delivery* alias *Bumper* belonging to the African Co., from Gambia, owing to the intolerable conditions there, petitioners pray for H.M. pardon for themselves and 100 others artificers and soldiers who escaped with them etc. *Signed*, Jno. Massey, George Lowther. *Same endorsement.* 3 large pp. [C.O. 28, 17. ff. 187, 187v., 188v.-190, 191, 192, 192v., 196v., 197, 198, 199, 199v.]

Aug. 23. 622. Council of Trade and Plantations to Governor Shute. Whitehall.

Repeat postscript of Aug. 18th. *Continue* :—We cannot but be surprized at the extraordinary proceedings of the lower House of the late Assembly [*of the Massachusetts Bay*] in assuming to themselves an executive power, and shewing so great a disregard to H.M. Instructions; And as we shall soon lay these proceedings before H.M., we shall not omit at the same time to represent your care of His Majesty's and the publick interest, and the assistance you had from the Council therein. In relation to the Indians in your neighbourhood, we are glad to hear of your success in bringing them to good temper, and doubt not but your continued endeavours will be effectual in keeping them so. We shall only add that so soon as H.M. pleasure shall be declared upon what we represent concerning the state of the said Province, the same shall be signified to you by the first opportunity. [C.O. 5, 915. pp. 329, 330.]

Aug. 23. 623. Mr. Carkesse to Mr. Popple. *Reply to Aug. 17th.*

Custom-house, London.

Encloses following. Continues: The duties laid on the goods mention'd in the said Act of Antigua will in the opinion of the Commissioners of Customs amount to a prohibition, in which case it is reasonable to apprehend that the merchts. will carry those goods, as by law they may, directly to foreign parts without landing the same in the British Plantations and bringing them from thence to this Kingdom. And the Commrs. observe that this Act is perpetual whereas it has been usual in cases of this nature to make them temporary for 3 or 5 years that it may be seen by experience whether the same are for the benefit of Trade or the Revenue etc. *Signed*, Cha. Carkesse. *Endorsed*, Reed. 23rd Aug. 1721, Read 25th April, 1722. *Addressed*. 1 p. *Enclosed*,

623. i. Charles Dunbar to the Commissioners of Customs, 30th June, 1721. Replies to answer of the Lt. Governor and Council of Antigua to his objections to the Act for laying a duty on French sugar etc. *Copy.* $7\frac{3}{4}$ pp. [C.O. 152, 14. ff. 104-108v., 109v.]

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- Aug. 23. **624.** Lord Carteret to the Council of Trade and Plantations.
Whitehall. H.M. having been pleased to appoint John Hope Esq. to be Governor of Bermuda, in the room of Benjamin Bennet Esqr., draughts of his Commission and Instructions are to be prepared etc. *Signed*, Carteret. *Endorsed*, Reed. 24th, Read 25th Aug. 1721. $\frac{3}{4}$ p. [C.O. 37, 10. No. 19.]

- Aug. 24. **625.** H.M. Commission to George Doidge to be Commissary of the Musters of the Garrison at Placentia. *Countersigned*, Carteret. *Copy*. [C.O. 324, 34. p. 63.]

- Aug. 24. **626.** Order of King in Council. Repealing 2 Acts of St. James's. Antigua, 1719, (i) for *declaring the qualifications of those who shall vote for Assembly or Vestrymen or serve as such, and for ascertaining the rules, rights and priviledges of Assembly.* (ii) for establishing a Court of King's Bench, Common Pleas and Errors, etc. *Signed*, Robert Hales. *Endorsed*, Reed. 18th, Read 24th April, 1722. 2 pp. [C.O. 152, 14. ff. 100, 100v., 101v.]

- Aug. 24. **627.** Order of King in Council. Repealing Act of Jamaica to prevent all fraudulent trade to Hispaniola and other foreign parts. *Signed*, Edward Southwell. *Endorsed*, Reed. 23rd, Read 24th April, 1722. 2 pp. [C.O. 137, 14. ff. 127, 127v, 128v.]

- Aug. 24. **628.** Order of King in Council. Approving representation of 9th instant, and ordering that the indigo and other goods seized by the Governor of Jamaica, or the value thereof, be immediately restored to the owners etc. *Signed and endorsed as preceding.* 1 $\frac{1}{2}$ pp. [C.O. 137, 14. ff. 129, 129v., 130v.]

- Aug. 24. **629.** Order of King in Council. Approving draught of Instructions for Governor Phenney relating to Acts of Trade and Navigation. *Signed*, Edward Southwell. *Endorsed*, Reed. 23rd, Read 24th April, 1722. 1 p. [C.O. 23, 1. No. 39; and (duplicate, signed, Temple Stanyan) 5, 191. p. 122a.]

- Aug. 24. **630.** Order of King in Council. Approving draft of Instructions for Governor Lord Belhaven (v. 9th Aug.) " excepting in the 2nd Article relating to the lists of Councillors, as to which H.M. is pleased to order, that Samuel Cox Esqr. now President of the Council be inserted therein, he not being under any suspension, nor having yett been heard as to the late complaint against him ; and that John Frere Esq. be left out of the said list, he being under a suspension, and the Lord Belhaven being impowered by an Order of Council of the 10th instant to restore him in case he judges it expedient etc. And H.M. is further pleased to order that the name of Samuel Berwick Esq. who is

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under a suspension, be left out of the said list, as likewise that of Samuel Brown Esq." etc. *Signed*, Edward Southwell. *Endorsed*, Reed. 23rd, Read 24th April, 1722. $2\frac{1}{2}$ pp. [C.O. 28, 17. ff. 258–259v.]

Aug. 24. **631.** Order of King in Council. Referring Representation **Kensington.** of 17th Aug. upon Acts of Barbados 1714–1720, to the Lords of the Committee of H.M. Privy Councill for their opinion thereupon. *Signed and endorsed as preceding.* 1 p. [C.O. 28, 17. ff. 260, 261v.]

Aug. 25. **632.** Council of Trade and Plantations to Lord Carteret. **Whitehall.** Enclose following Instructions, "in the usual form with some alterations, conformable as near as may be, to the draught of Instructions for the Lord Belhaven, Governor of Barbados etc. (v. Sept. 8th). And whereas there are at present five vacancies in H.M. Council of Nevis and two in Montserrat, we have inserted the names of James Symonds, Joseph Symonds, Roger Pemberton, Michael Williams and James Brown for Nevis, and those of Anthony Hodges, and Nathaniel Webb for Montserrat" etc. *Annexed*,

632. i. H.M. Instructions for John Hart Esq., Captain General and Governor in Chief in and over Our Islands of Nevis, St. Christophers, Montserrat, Antegoa, Barbouda, Anguilla and the rest of Our Caribbee Islands in America lying to Leeward from Guardaloupe to the Island of St. John de Porto Rico [v. 8th Sept.]. [C.O. 153, 14. pp. 15–75.]

Aug. 28. **633.** Governor Hamilton to the Council of Trade and **Antigua.** Plantations. Encloses Acts of Montserrat (13th June, 1721) (i) *repealing Act granting excise duties to Thomas Talmash etc.*, and (ii) *for raising a levy or poll tax etc. to pay off the publick debts;* and an Act of Antigua, 29th July, 1721, *for reinforcing the Act for repairing the fortifications on Monks Hill etc.* I have not any observations to make on these Acts, only that the Act which settles the liquor duty on Lt. Governour Talmash hath been found prejudicial to the interest of that Island, for that tax was always paid in cash, and appropriated to pay contingencies, whereas since the passing the aforesaid Act to Lt. Governour Talmash during the time that Lt. General Mathew commanded in chief, it has been wholy applyed to the use of the said Lt. Governour, by means whereof, and by reason the other taxes are paid in the produce of the Island, the want of ready money in the Treasury has been very much felt etc. Your Lordships will perceive the difference of the dates in the Montserrat Acts occasioned by delays that happen in transmitting

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them backwards and forwards *etc.* Edward Parson one of the Council of Mountserrat is dead, *etc.* Refers to enclosure. Signed, W. Hamilton. Endorsed, Reed. 30th Oct., 1721, Read 13th June, 1722. 2 pp. Enclosed,

633. i. Duplicate of Aug. 31st, No. iii. [C.O. 152, 14. ff. 116, 116v., 117v., 118, 119v.]

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Jamaica.

634. Governor Sir N. Lawes to the Council of Trade and Plantations. Encloses duplicate of 5th July. Continues: Since which time I have given my consent to four Acts *etc.* vitz. :—(1) *To encourage the settleing the North East part of this Island.* This is the Act which I mentioned in my former letters I had so much at heart and which if framed in the manner I proposed woud have conduced very much to the advantage strength and security of this country but in the manner it now is I am afraid it will not answer the end proposed which was to invest the whole tract without any exception in the Crown and to be granted to newcomers in the same quantities for each white person in family and negroes and under the same conditions and restriction as it now is which if they had thought fit to have vested the whole tract without exception in the Crown the grants might have immediately passed without so long a delay of time as a general survey of that land must now take before any grant can be made besides the great charge the country will be at in such survey and the vast expense in purchaseing the severall parcels of land mention'd in this bill which will lay such a load of debt upon the country that future Assemblies in all likelihood will think to hard for the inhabitants to bear for tho' the severall parcels of land mentiond to be purchased in this bill were before the passing it of no great value yet now the Proprietors thereof (as I am informed) demands large sums for the same and as time is given in this bill for the paying arrearages of quit rents so I have reason to beleive most of the owners or Proprietors of such land have allready or will within the time limitted discharge all their arrearages of quit rents so that excepting the severall parcels mentiond to be purchased by the country little more land will be in the power of the Crown to dispose of to newcomers than what the King might have claimed by other laws now in force. However this bill carrying so plausible a title and the Council and Assembly being fond of it induced me to give my consent to it but my duty oblidges me to mention to your Lordships the objections I made to it tho' I could not prevail with them to comply with my desire. (ii) *An Act for qualifying members to sit in Assemblies and to regulate elections.* This Act in all respects I think a good law and I have no manner of objections to it and therefore I recommend it to your Lordships speedy consideration in order to be laid before H.M. for his royll assent. (iii) *An Act for vesting certain lands in the*

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parish of St. Thomas in the Vale in trustees for the use of George Reid Esq. and his heirs and (iv) An Act to enable certain trustees to sell the estates and interest of William Bowles and Charles Bowles his son an infant for the discharge and payment of debts and purchaseing lands in the Kingdom of Great Britain to certain uses. These two last mention'd being prime (=private. Ed.) bills and petitions haveing been presented to the Council and Assembly and the allegations thereof being by them found to be true and that the partys concerned were only properly releiveable in this manner and no objection appearing to me anyways detrimentall to H.M. Prerogative I gave my consent to them, the severall partys concerned will attend your Lordships etc. Those are all the Acts that I have past this Sessions which I consented to on the 22nd of last month and afterwards I told the Assembly they might either sit and go on with further business or have a recess as they pleased and on the 26th they sent me a message desireing a recess which I granted by prorogueing them to the 31st and afterwards with the advice of the Council to the 17th day of Oct. next, the Additional Duty Bill out of which the soldiers are subsisted expireing the 1st of November there will be a necessity for their meeting at that time. I must observe to your Lordships that this Assembly notwithstanding H.M. recommendations and their own professions of duty and loyalty have not thought fit to put any mony into the Treasury tho' it is actually found to be £15000 in debt on the contrary they have drawn up a long Address and representation to H.M. and have ordered their Speaker to transmit it setting forth reasons, as they call 'em, for not obeying the King's commands in favour of Lord Archibald Hamilton. By their Minutes of the 13th of July I observe they ordered their Speaker to transmit this Address before they made any appliccation to me for doing it being conscious, as I suppose, to themselves that I would not give any countenance or trouble H.M. any further with a matter which has allready had so full a hearing and received H.M. possitive determination, and as to the slur which they woud seemingly cast upon my administration as if the charge of the Government was considerably augmented under my management I have endeavoured to clear myself (and I hope to your Lordships satisfaction) in severall messages to them on that subject wherein I plainly show the falacy of their reasoning and have ordered their Address and the most material messages that have passed between us to be printed which if your Lordships thinks worthy of your notice the same may the more clearly appear to your view (*enclosed*). Shou'd the Assembly at their next meeting still insist in haveing the Members who signed the papers mentioned in my last taken into custody I shall expect little good from them and therefore I heartily wish your Lordships wou'd be pleased to lay before H.M. a true state of the present condition

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of this his Island and of our likelyhood speedily to be in a much worse unless H.M. will be graciously pleased to interpose his authority and take such measures as may render his Government here independant on the humours of an obstinate People for supplys. In severall of my former letters I have hinted to your Lordships in what manner this might be effected, if your Lordships are pleased to approve thereof I am fully perswaded from a view of our present state and condition you'll think it necessary without delay to be put in practice or if your Lordships can propose any other expedient to H.M. for the support of his Government here with more ease to the inhabitants etc. I shall with great chearfullness concurr etc. By the Minutes of the Council (*enclosed*) your Lordships may please to observe severall petitions presented to me in Council by Spaniards who had the misfortune to be taken by some of H.M. ships of warr and our privateers just at the commencement of the cessation of arms etc., some of which were condemned as prize before we had any notice of the said suspension of arms and an interlockatery sentence passed upon others and bond was given to make restitution to any lawfull claimers some of those Spaniards have received ample restitution the rest are now prosecuting their claims etc. in the Court of Admiralty and all of them may expect to receive justice in like manner. I heartily wish I cou'd say the Spaniards had been as ready in doing justice to H.M. subjects in these parts who have suffer'd very considerably by them since the cessation of arms. By late advices from Carthagena we have an accot. that the Galeons from Old Spain were arrived there and that there were upwards of 20 sail of large French ships full of merchandise in the South Seas but that the Spaniards were stricktly commanded by the Vice Roy not to trade with them and the little trade we formerly had with Carthagena and Portobello is now allmost at a stand the Spaniards are so strickt in guarding their coasts that makes it very difficult and hazardous to land any goods, this makes trade dull here and mony scarce. I wait with impatience to receive your Lordships commands, the last I was honoured with was that of the 27th Dec. etc. P.S. In the first clause of the Act *to encourage the settleing the N.E. part of this Island* a doubt arises with me whether it is intended that the forfeiture for non-payment of the quitt rents extends to all the lands in generall therein mention'd or only to such lands as belong to absentee's who have no effects in this Island. I therefore beg your Lordships to send me Mr. West's or the Attorney Generall's opinion thereon. *Signed*, Nicholas Lawes. *Endorsed*, Reed. 13th Dec., 1721, Read 15th Feb., 172 $\frac{1}{2}$. 6 $\frac{3}{4}$ pp.
Enclosed,

634. i. Address of the Assembly of Jamaica to the King.
With His Excellency's Answer and Messages to the House in relation thereto. July 14. The Assembly

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desired H.E. to transmit the following Address to H.M. There is not in any part of your Dominions a body of people more zealously affected to your Majesty's person or more averse to Popery, etc. Private interest and love of too much power have engaged some to misrepresent us etc. Although Lord A. Hamilton's memorial sets forth as if some considerable part of the money claimed by him were due for salary. His whole salary excepting for ten days was duly paid to him about the time of his departure, and the Receiver-General hath always been ready to pay the balance when demanded etc. *Recount* subsistance granted to H.M. Regiments, on several repeated assurances from H.M., that they should be eased of that burthen, which they hoped would have been at the conclusion of the last Peace; but the Lord Hamilton not being willing to part with the advantages that accrued to him from them, renewed his instances for the soldiers continuing here longer; to bridle, as he was pleased to term it, the inhabitants, and root out the seeds of rebellion, brought over by the first inhabitants etc. The Regiment being afterwards reduced to two Independant Companies, one was granted to Lord Hamilton, and the other to Col. Robert Rookwood. The Assembly have for many years provided a subsistance of 20s. per week for each officer and 5s. for each common soldier, over and above their English pay; and although it was notorious that the allowances so provided was for the most part diverted into other pockets, the listed men being usually dispersed about the country upon furlows, for which they have often given præmiums, besides the assignment of their allowance yet the Assemblies continued their allowances till 1st May, 1714, from which time they were interrupted by hasty and unusual prorogations and dissolutions etc. *Describe* occasion of Lord A. Hamilton and the Council advancing money for the soldiers whilst the Assembly was adjourned or prorogued. When the new Assembly met in Oct. 1715, they taking notice of the great misapplications that had been made of the money provided for the soldiers appointed Commissioners to deliver them weekly provisions etc., but the common soldiers refused to accept their allowance in any other kind but money and were hardly held from plundering the Town of Port Royal, and destroyed great numbers of the inhabitants' cattle etc., in which they were privately encouraged by some whose duty it was to have suppressed them etc. "Should we yeild to the

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reimbursement of the money now demanded, it wou'd be such a president as might hereafter be made use of to subject the estates of us and our posterity to the arbitrary taxation of a Governor, and render Assemblies useless" etc. "It is evident from the state of the Revenue and Contingencies in Sir William Beeston's time, and that of the present, that your subjects here have never been wanting to support the honour and dignity of the Crown, the whole exigencies of the Government not amounting to more than about £5000 per annum in that time, tho' a war was then in being; whereas at present, and for some years last past, the same have been swelled up to no less than to about £10,700 per annum, by such means as we are loath to trouble your Majesty with etc., although the sinking condition and poverty of the Island very ill bears such an aggravation of expence etc. July 13, 1721. Signed, George Modd, Speaker.

(b) Governor Sir N. Lawes' reply to preceding. You cannot expect that I should transmit this Address, upon transactions which have already been considered by H.M. in Council etc. Quotes Receiver General's accounts to show that "all the Orders of Council issued last year on the Revenue, for the support of the Government, comes to little more than £4000, whilst the charge of the Government for five years before my arrival amounted to about £8750."

(c) Other messages to and from the Governor and Assembly. The whole, *Printed by command of His Excellency. Endorsed as preceding.* 7½ pp.

- 634. ii. Act of Jamaica to enable trustees of William and Charles Bowles etc. v. covering letter. *Endorsed,* Recd. 13th Dec., 1721, Read 15th Feb. 172½. Reported to be confirmed, 11th Dec., 1723. 2½ large pp.
- 634. iii. Tryal of Capt. John Rackham etc. Duplicate of June 12, 1721, q.v. [C.O. 137, 14. ff. 61–65, 66–70, 71, 72–94v., 95v.]

Aug. 29. **635.** 100th Article of Governor Lord Belhaven's Instructions, relating to piratical goods. *Copy.* ½ p. [C.O. 28, 44. f. 5.]

Aug. 29. **636.** H.M. Instructions to Governor Lord Belhaven, with Kensington. Instructions relating to Acts of Trade and Navigation, cf. 25th Aug. [C.O. 5, 191. pp. 14–74, 75–97.]

Aug. 29. **637.** H.M. Instructions to Governor Phenney. [C.O. 5, Kensington. 191. pp. 123, 125.]

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- Aug. 29.** **638.** Mr. Cox to the Council of Trade and Plantations.
 Barbados. Refers to letter of Aug. 23rd, and repeats part of it. Encloses Minutes of Council 12th April–9th Aug., 1721, “wherein your Lordships I humbly hope will find I have paid a ready obedience to the Orders of H.M. in Council, 28th May last” etc. Encloses Minutes of Assembly, 7th June–22nd Aug. Signed, Saml. Cox. Endorsed, Recd. 24th Oct., 1721, Read 11th Jan., 1722. Addressed. 2 pp. [C.O. 28, 17. ff. 210, 210v, 211v.]

- Aug. 29.** **639.** Mr. Lowndes to Mr. Popple. The Lords Commrs. of H.M. Treasury desire etc. copies of all such articles and instructions as have, at any time, been signed by H.M. so far as they relate to all or any part of H.M. Revenues in the Plantations or to the effects taken from pyrates etc. Signed, W. Lowndes. Endorsed, Recd. Read 30th Aug., 1721. $\frac{1}{2}$ p. [C.O. 323, 8. No. 21.]

- Aug. 30.** **640.** Lord Carteret to Governor Sir N. Lawes. It having been represented to H.M. that a good number of inhabitants in the Leeward Islands have lately deserted the said Islands, upon the encouragement which has been given them to repair to Jamaica, and settle there, and there being reason to apprehend, that others may be tempted to follow their example, H.M. considering how far such a proceeding may, in process of time, tend to the impoverishing and dispeopling the said Islands, has commanded me to signify his pleasure to you, that you do not, under a pretence of peopling Jamaica, give any countenance or encouragement to the inhabitants of the said Leeward Islands to desert those Colonies. Signed, Carteret. [C.O. 324, 34. p. 62.]

- Aug. 30** **641.** Mr. Carkesse to Mr. Popple. Encloses following received this day, as a supplement to Aug. 23. Signed, Cha. Carkesse. Endorsed, Recd. 31st Aug., 1721, Read 26th April, 1722. Addressed. $\frac{1}{2}$ p. Enclosed,
 641. i. Extract of letter from Mr. Dunbar to the Commissioners of Customs. 12th July, 1721. Further objections to the Act of Antigua. Copy. $1\frac{1}{8}$ pp. [C.O. 152, 14. ff. 110, 111, 111v., 113v.]

- Aug. 30.** **642.** Council of Trade and Plantations to Lord Carteret. Whitehall. Enclose following (v. 23rd Aug.). Annexed,
 642. i. Draught of Commission to John Hope to be Lt. Governor and Commander in Chief of the Bermuda or Summer Islands, and revoking that of Col. Bennett. This Commission was signed 11th Oct., 1721. [C.O. 38, 7. pp. 370–389.]

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Aug. 30. **643.** H.M. Commission to Lt. Governor Hope. *Counter-signed*, Carteret. [C.O. 5, 191. pp. 300-307.]

Aug. 31. **644.** Lord Carteret to Governors of Barbados, New England, Whitehall. New York, Leeward Islands and South Carolina. Mr. Benjamin Blundell junr., has several large debts owing to him, to which H.M. now stands entitled. You are to instruct the Attorney General to sue his debtors living under your Government at the King's suit etc. *Signed*, Carteret. *Enclosed*,

644. i. List of debts due in the West Indies to Mr. Blundell, Receiver General of taxes etc. in Leicestershire, who lately went off with about £18,000 of that publick money.

644. ii. Copy of opinion of Mr. West that the King is entitled to *above* 17th July, 1721. *Signed*, Richd. West. [C.O. 324, 34. pp. 73-75.]

Aug. 31. **645.** Governor Hamilton to the Council of Trade and Antigua. Plantations. The inclosed is an Act for raising a tax for paying the publick debt due to me etc. Upon notice here that H.M. was graciously pleased to honour Colonel Hart with the Government of these Islands, the Council and Assembly of this Island

desired I would permit them to meet, and in justice to me, and in consideration of my forbearance during the time they suffered by the extream drowth to receive what was due to me from the Publick by virtue of an Act for settling £1000 per annum on me for house rent which H.M. was graciously pleasead to allow during his pleasure, unanimously agreed to raise a tax and prepare a bill for what remain'd due on their account, and accordingly the bill was prepared and past into a Law etc. *Refers to enclosed Minutes. Continues*: This was their voluntary act and request without my privity or knowledge and I cannot believe but your Lordships would think me unjust to myself and family had I refused passing *this* Act etc., besides the major part of this summe is due to the merchants of the Islands for goods bought of them to defray the necessary expences of my Government etc. *Prays for their favourable report upon it. Refers to enclosure. Signed*, W. Hamilton. *Endorsed*, Reed. 20th Nov., 1721, Read 16th Jan. 172½. 2 pp. *Enclosed*,

645. i. Lt. Governor and Council of Antigua to the Assembly. Propose bill for paying Governor Hamilton what is due to him. The Assembly agree etc. *Same endorsement. Copy. 1 ¾ pp.*

645. ii. Minutes of Council of Antigua relating to above Act, 24th July, 1721. *Same endorsement. Copy. 2 pp.*

645. iii. Governor Hamilton's licence of absence to John Yeamans for six months etc. 22nd Aug. 1721. *Signed*, W. Hamilton. *Same endorsement. Copy. 1p. [C.O. 152, 14. ff. 88, 89-94, 95v].*

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Sept. 1. **646.** Council of Trade and Plantations to the King. Recommend Capt. Gookin's petition. (v. 8th Jan., 1720) for a grant of islands in Delaware, with certain reservations. *Set out*, N. J. Archives, 1st Ser. V. 18. [C.O. 5, 1293. pp. 238-241.]

[Sept. 1] **647.** William Nivine to the Council of Trade and Plantations. Prays for a report upon several Acts of Antigua now depending with their Lordships. *Signed*, Will. Nivine. *Endorsed*, Recd. 1st Sept., 1721. 1 p. [C.O. 152, 13. ff. 259, 260v.]

Sept. 2. **648.** Mr. Wheelock to Mr. West. In the absence of Mr. Popple, encloses, for his opinion in point of law, acts of New York of 1719, and 1720 (*enumerated*). Those that have expired are included, in order that, if there should appear any objection to them, the Governor may be advised thereof, for his guidance in passing Acts of the like nature for the future. [C.O. 5, 1124. pp. 263-269.]

Sept. 5. **649.** Order of Council. Referring back to the Council of Trade and Plantations draught of Instructions for Governor Hart, who are to specify the proposed alterations and their reasons for the same. v. Acts of Privy Council, Colonial Series. Vol. III. No. 19. *Signed*, Robert Hales. *Endorsed*, Recd. Read 6th Sept., 1721. 1 p. [C.O. 152, 14. ff. 21, 22v.]

Sept. 5. **650.** Order of Council. Approving Commission for Lt. Governor Hope (v. 30th Aug.). *Signed*, Edward Southwell. *Endorsed*, Recd. 23rd, Read 24th, April, 1722. 1 p. [C.O. 37, 10. No. 22; and (duplicate signed, Temple Stanyan) 5, 191. p. 299a.]

Sept. 6. **651.** Lord Carteret to the Governor of Carolina. *Encloses* copy of letter from Marquis de Pozobueno, Spanish Minister, 30th April, complaining of hostilities committed against the inhabitants of Florida by the Indians, who are under the protection of H.M. Governmt. in Carolina, that they could not stir out of their houses to cultivate their lands, nor turn out their cattle without apparent danger from the sd. Indians, whereupon they had requested His Catholic Majesty to give them leave to retire into some other Province etc. It is H.M. pleasure that you take the most effectual care, that neither H.M. subjects in Carolina, nor the Indians under the protection of His Government there, be suffered to commit any manner of violence agt. the inhabitants of Florida, but on the contrary that you use your best endeavours to preserve a good correspondence with the sd. subjects of Spain, it being H.M. intention that the Conventions made between him and His Catholic Majty. be strictly observed on the part of his subjects. *Signed*, Carteret. [C.O. 324, 34. p. 62.]

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Sept. 6. **652.** Lord Carteret to the Council of Trade and Plantations.
 Whitehall. You are to prepare an Instruction for Lt. Governor Hope agreeable to those which you have already prepared for the present Governors of Barbados and the Leeward Islands (v. 5th July, and 4th Aug.). *Signed*, Carteret. *Endorsed*, Recd. 7th, Read 13th Sept. 1721. 1 p. [C.O. 37, 10. No. 20.]

Sept. 8. **653.** Mr. Popple to Mr. Lowndes. Encloses Governors' Instructions as requested 29th Aug. [C.O. 324, 10. pp. 294, 295.]

Sept. 8. **654.** Council of Trade and Plantations to the King. *Reply*
 Whitehall. *to Order in Council*, Sept. 5th. When Sir Nicholas Laws was appointed Governor of Jamaica, we did then propose, 11th Oct., 1717, several alterations in the Instructions for the said Governor, and gave our reasons for the same, which your Majesty being pleased to approve, we thought ourselves obliged in all the Instructions that we have prepared since that time to inset the said alterations without troubling your Majesty with the repetition of our reasons for so doing etc. The alterations in Col. Hart's Instructions are conformable to those of Sir N. Lawes and of the Lord Belhaven. Whereas by the 13th Instruction the Governor was restrained from suspending any of the Council without the consent of the majority, which in some cases might prove of ill consequence, we have added at the end of that Article, " Nevertheless if it should happen that you should have reasons for suspending of any of the said persons, not fit to be communicated to the respective Council to which he belonged, you may in such case suspend such person without the consent of that Council ; But you are thereupon immediately to send to us by one of our Principall Secrys. of State and to our Commissioners for Trade and Plantations an account thereof with your reasons for such suspension as also for not communicating the same to the Council, and duplicates thereof by the next conveyance." In the 24th Article forbidding the Governor to pass bills of an extraordinary and unusual nature etc., we added the words, *Or that might anyways affect the trade or shipping of this Kingdom*, pursuant to your Majesty's directions in that behalf ; and after the words, *deferring the execution thereof until our pleasure shall be known concerning the same*, we have also added *which you are likewise to observe in the passing of all Acts that shall repeal any Act or Acts that have had the Royall Assent*. We made some small alterations in the 21st and 22nd Articles only to inforce them and to prevent their being liable to be in any manner misunderstood. By the 56th Article the Governor was required upon the suspension of any Patent Officer or his Deputy to take care that the person appointed to execute the place during such suspension should give sufficient security to the person suspended

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to be answerable to him for the profits accruing during his suspension in case he should be restored ; But as this might in some cases prove a very great hardship to the person appointed to officiate during the suspension, we added the following words. *It is nevertheless Our will and pleasure that the person executing the place during such suspension, shall for his encouragement receive the same profits as the person suspended (if a Deputy) did, or a moiety of the profits in case of suspension of the Patentee.* Whereas in the former Instructions it used to be said that with other powers of Vice-Admiralty the Governor was to receive from the Commissioners for executing the Office of High Admirall of Great Britain, authority to suspend any Captain or Commander of any ships of war for refusing or neglecting to obey such written orders as should be given him by the said Governor for your Majesties service etc. But the Lords of the Admiralty not having thought fit to add to the Commission of Vice Admiralty, which they have given Col. Hart, any such power, we altered the clause in the manner it now stands in the 73rd Article, However as it may be of great consequence to the service of the Plantations that such ships of war as shall be sent to protect the said Plantations and the trade thereof respectively shou'd be during their stay there, under the direction of the Governor more particularly with relation to convoys and sailing orders ; we are humbly of opinion that it will be for the publick service that all the Governors in the Plantations should be impowered and authorized accordingly. In the 62nd Article, after the words, *You are not to prefer any Minister to any ecclesiastical benefice without a certificate from the Lord Bishop of London,* we added *or some other Bishop,* as believing the certificate of one Bishop in such case (relative only to the life and conversation of the person) equal to that of any other Prelate ; besides it has been represented that it would be expensive and inconvenient to Clergymen to be obliged to travel to London purely to obtain a certificate when a more convenient place of embarkation might offer for them at some other port. After the words, *said Lord Bishop of London,* in the 66th Article we thought it necessary to add the following words, *but when such persons so qualified as above shall be wanting for the promotion of learning and good education you may yourself licence such other persons as you shall think qualified for such employment.* At the end of the 52nd Article which seems calculated to discourage vexatious appeals to your Majesties Council in England, we added the following words, *In any case where a judgement first given by an Inferior Court in any of our said Islands shall have been confirmed by the Governor and Council there ;* as being desirous to follow the original design of the Instructions so far forth as the same may be agreeable to the practice in the Courts of Judicature in England, where every appeal to a Superior Court stops the execution from the Inferior,

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reserving out of that general rule such cases only as carry in the very face of them an appearance of being vexatious. [C.O. 153, 14. pp. 75-81.]

[Sept. 8]

655. Governor Shute to the Council of Trade and Plantations. It was with great satisfaction that I received the honour of your Lordships' letter of the 17th of March, 1720/21, since you are pleased therein to approve of those parts of my conduct which have given the greatest umbrage to the people of this Province. Your Lordships are desirous to know how it comes to pass that the Paper Bills daily sink in credit. When [I] first arrived, which is about five years since I could for £16[0] in Paper Bills have had £100 sterling in London. But now I can't have the same sum under £230 or £235. Our import is much greater than our export, and from hence in my humble opinion this high discount upon the Bills proceeds in a great measure; and from the low prices of all the commodities of this Country in the Port of London, as [well] as from the great quantity of Paper Bills we have been obliged [to] make having no other medium of trade, which the People were grown so fond of, that if I had not received an Order from their Excellency's the Lords Justices to restrain my power, [?and] theirs in that point it's hard to say where they would have st[opped]. Another reason of the low credit of the [?bills] is, that we have many merchants come from London, who [?when] they have traded here for two or three years are willing to get ho[me] again and give any price for silver which is now sold for 12 and 13s. pr. ounce and proportionably for gold, and indeed these are the best returns that can be made from hence. Thus our gold and silver is drain'd out of the Country. If neither of these can be procured they give any rate for Bills of Exchange. I have desired some of the most eminent merchants to employ their thoughts in finding out a remedy in a matter of so great consequence. When I meet with any plausible scheme I shall transmit it to your Lordships. For the present the order from the Lords Justices I have mentioned before, will keep the Bills from sinking any lower: And as they are drawn into the Treasury the value of the outstanding Bills will be raised. I have herewith sent your Lordships the answer of the House of Representatives now sitting at Boston to my Speech at the dissolution of the last General Court, and my reply to it annexed, my Speech to the present General Court, the answer of the House of Representatives to it, and my reply to it annexed together with a message referred to in my Speech. By the first of these papers your Lordships will perceive how little effect anything I have said has upon the proceedings of the House of Representatives. [] I'm sorry it may be observed from the other, that your Lordships

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and Mr. Attorney Generals joyst opinion has been very far from decideing the controversy with respect to the election of a Speaker. You may please to take notice that the answer to my speech to the present General Court is signed Elisha Cooke, pro tempore. It seems very strange that the Representatives should take the opportunity of their Speakers absence (who left the Chair under some pretext) to put Mr. Cooke into his place, while the paragraph of your Lordships letter signifying your approbation of my not accepting that person as Speaker in 1720 was lying before them on their table. This was apparently done to elude the force of your Lordships' Instruction. But upon my motion to the Council of this slight put upon your Lordships and myself, they told me that it was usual with the House to appoint a temporary Speaker and that the Governours for the time being had never interpos'd. I hope the replys I have made to the two several answers before mentioned may most conduce to H.M. service, as they recommend the matters in dispute to a determination at home. The General Court this present Session have disputed my power of adjourning them from place to place. I have sent your Lordships the opinion of an eminent lawyer in this place together with the Act which has induced them to dispute this matter with me. By my 40th Instruction I am required to appoint and settle an Attorney General for this Province. I find that the General Court have constantly nominated that Officer, and they have the opinion of Sr. Edward Northey whilst Attorney General of England that it is their right so to do. I should be glad to receive your Lordships positive commands herein, the General Court having deferr'd their annual choice of this Officer and suffered the Province to be without one since the May Sessions. The Indians have broken the Treaty concluded at Arrowsick by marching 200 into one of our towns in a hostile manner under French colours and sending me a letter in the most haughty and menacing terms. It appears to me to be penn'd by Monsr. Rallé the Jesuit who constantly attends them with two other Frenchmen and has taken this oportunity to divert the Eastern tribe from falling upon the French [] I am informed. I shall indeavour if possible to bring them to obedience without a war, tho' they have already refused to see the Commissioners I sent to demand the reasons of their breach of the late Treaty. There's [a] sufficient number of men gone down to the Frontiers in order to cover our harvest, which is the only time they can do us any great damage. I shall only observe one thing more that the printing presses are continually employ'd in the service of scandalous libelers to the great dishonour of H.M. Government; and it is not in my power to give a cheque to this practice, they having no regard in this matter to H.M. Instructions.

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Signed, Samuel Shute. Endorsed, Reed. 6th, Read 10th Nov., 1721. Edges rubbed. 2½ pp. (Without date, but the date is fixed by letter. Dec. 13). [C.O. 5, 868. ff. 128–129v.]

Sept. 8. **656.** Council of Trade and Plantations to the King. In obedience to your Majesty's commands, we have prepared the following state of your Majesty's Plantations on the Continent of America; wherein we have distinguished their respective situations, Governments, strengths and trade, and have observed of what importance their commerce is to Great Britain, whereunto having added an account of the French settlements, and of the encroachments they have made in your Majesty's colonies in those parts; we have humbly proposed such methods, as may best prevent the increase of an evil, which, if not timely prevented, may prove destructive to your Majesty's interest; and have likewise offered such considerations, as, in our opinion, may contribute to the improving and enlarging your Majesty's dominions in America etc. *Have not included Newfoundland and Hudson's Bay, neither of them being a Colony with a civil Government, though both are parts of H.M. territories in North America, etc. Continue: Nova Scotia,* as appears by the patent granted etc. by K. James I. to Sir William Alexander, (afterwards created Earl of Stirling) etc., 1621, contains all the lands and islands, lying within the promontory, commonly called Cape Sables, being in forty three degrees of North latitude, or thereabouts, thence westerly to the Bay commonly called St. Mary's Bay, and from thence northerly in a strait line by the mouth of that great bay (which runs easterly up the country and divides the two nations called Suriquois and Etechimenes) to the river St. Croix, thence westerly to the head of that river, thence northerly to the next bay, which discharges itself in the river St. Lawrence; thence easterly along the coast to the Bay of Gaspe, thence south easterly to the Bacalio Islands, or Cape Breton, and leaving that island on the right, and the Gulph of St. Lawrence and Newfoundland and the islands thereto belonging on the left, thence to Cape Breton, in the latitude of 45 degrees or thereabouts, thence south-west to Cape Sables again. We have made use of this ancient Charter fixing the boundaries of Nova Scotia, because the French are daily setting up new pretensions to a very great part of this Province altho' the 12th Article of the Treaty concluded at Utrecht, expressly provides, that Nova Scotia shall be given up with its *ancient* boundaries, and nothing is excepted out of this cession but Cape Breton, and the other islands lying in the mouth of the river of Saint Lawrence and Gulf of the same name. The government of this province, both civil and military, is entirely in your Majesty; but as there are hitherto only two or three English families settled here, besides the garrison of Annapolis, there is very little room for the exercise of civil government;

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neither has your Majesty any revenue in this country, the lands not being yet peopled, and granted out upon quit rents as in the other Colonies. There are two towns in this Province, besides Annapolis; Minas and Scheganektoo, both settled by french inhabitants, about 2500 persons in number, who have remained there ever since the cession of this country *etc.*, but are entirely in the French intrest and by their communication and intermarriage with the neighbouring Indians, have gained them to their party, whereby they are enabled upon any occasion to engage the said Indians in a war against your Majesty's subjects; and by some late accounts from Nova Scotia, there is too much reason to believe, that they do at this present juncture use their endeavours to instigate the said Indians against the garrison of Annapolis and others your Majesty's subjects fishing at Canço, and upon the coast of Nova Scotia. The little trade driven in this country at present is intirely in the hands of these French inhabitants; it consists chiefly in fish, which is more plentiful here, than on any other coast of America; they have likewise some furrs and cattle, but whatever products or merchandize the French inhabitants have to dispose of, is transported by them either to Cape Breton, Quebeck, or directly to France, which is to the prejudice of Great Britain: For which reason, as well as many others, it is absolutely necessary for your Majesty's service, that these French inhabitants should be removed, for it is not to be expected that they will ever become good subjects to your Majesty, and there is all the reason in the world to apprehend that upon any rupture between the two Crowns, they may openly declare in favour of France. It was provided by the Treaty of Utrecht that the French inhabitants of Nova Scotia should have a year allowed them to remove from thence with their effects; but they have long since lapsed that time, and such as remained beyond it, were by the said Treaty to become subjects to Her late Majesty; but these people being influenced by their priests have hitherto unanimously refused to take the oaths of allegiance to your Majesty unless they may be allowed an exception in favour of France, which would render their engagements to your Majesty intirely ineffectual. But as we foresaw that difficulties were likely to arise upon this subject, so in the Instructions which we prepared for Col. Philipps, your Majesty's Governor, a provision was made for this case, and he is enjoyned to prohibit the sd. French inhabitants refusing to take ye oaths, the liberty of fishing on the coast, and to prevent their removing their effects till your Majesty's further pleasure shall be known; and considering their behaviour, we are of opinion it will be for your Majesty's service that they should be ordered to quit the Province. But as to their effects, in regard of the friendship subsisting between the two nations, provided the said French inhabitants do leave their immoveable effects, such as barns

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and dwelling houses, in good condition ; we should humbly conceive they might by your Majesty's special grace and favour be allowed to carry off to such place as they shall think most convenient, all their moveables. Upon their removal this Province will become almost intirely unpeopled ; and as it is the Northern frontier to your Majesty's Colonies, we think it is of the highest consequence that the same should be settled as soon as possible ; for which reason we would humbly propose to your Majesty the sending four regiments thither ; and altho' we are sensible of the expence this would occasion for some time to Great Britain, yet we believe the same will not be thought unreasonable, considering the inclination the French have shewn to incroach upon your Majesty's frontiers in these parts, the great strength they have at Cape Breton in the neighbourhood of this Province, which will be increased by the removal of the French inhabitants from Nova Scotia (altho' that will be a much less evil than suffering them to remain where they are) and that no other way so speedy as this can be proposed for peopling of Nova Scotia. We are likewise of opinion that all due encouragement should be given to such of your Majesty's subjects as shall be willing to settle in this Province, and that your Majesty's Governour may be enabled to preserve his Instructions upon this head, we take the liberty to lay before your Majesty the necessity there is that your Majesty's Surveyor General of the Woods should be forthwith ordered to repair to Nova Scotia there to set apart 200,000 acres in certain tracts of lands contiguous to the sea-coast or navigable rivers proper for producing of masts and other timber for the service of your Majesty's Royal Navy ; for after this shall be done and not before, the said Govr. is empower'd by his Instructions to make grants of land etc. *Continue* :—If this country was well settled it would be capable of a very extensive trade. There are to be had as good masts as any in all America, in great plenty ; pitch, tar, rozin and turpentine may be made in all parts of the country, and hemp and flax might be raised there without great expence : To which in our opinion all due encouragement should be given that Great Britain may in time become independant of her Northern neighbours for naval stores. But the branch of trade in this country, which seems most capable of immediate improvement, is that of the Fishery upon the coast from Cape Sables to the Gut of Canço ; which is perhaps more valuable than in any other in America : But for want of protection against the Indians inhabiting Nova Scotia, who are intirely in the French intrest, few British vessels dare venture to cure their fish there, and the French from Cape Breton contrary to the Treaty of Utrecht (by which they are expressly excluded from all kind of fishing on the coasts which lye towards the East, beginning from the island commonly called Sables inclusively, and thence stretching along towards the south

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west) ingross almost ye intire benefit of this valuable trade, to wch. they have set up an unreasonable pretence, as appears by ye daily disputes we have with them concerning ye fishery at Canço : For which reasons it wou'd be for your Majesty's service that some small forts might be built without loss of time in proper places upon the coast and islands from Cape Sables to ye Gut of Canço for the security of this trade, and particularly on St. George's Island, which is one of those that form the Cape of Canço and has the greatest command of ye little bay there ; which will be the more necessary in regard that there are no forts or fortifications in this Province but one at Annapolis Royal etc., with a garrison of 5 companies of about 40 men each ; whereas the French at Cape Breton are very strong, having built 2 considerable forts there, give all manner of encouragemt. to such people as are willing to settle with them, and are directly settling some other islands on ye coast of Nova Scotia. It will likewise be of great importance that a small man of war should be constantly employ'd to attend this Colony, which has at present so many difficulties to struggle with.

New Hampshire. The soil belongs to a Proprietor but the Government is in your Majesty etc. Sketch situation, boundaries and history. Continue : The number of people etc. in 1716, was computed at about 9000 of which there were 1500 men, very few white servants, and 150 blacks ; the increase during the last four years was about 500. The Indians that border upon this Province are those which are called the Eastern Indians, intirely in ye French intrest. Lumber, fish, masts for the royal navy, and turpentine are the chief produce ; they build some ships, but not so many since the last war, as before ; they have some mines which produce very good iron, tho' but little of it hath been hitherto forged ; There are likewise great quantities of stone in which 'tis believed there may be silver. The annual producē of these commodities is very uncertain, the price falling and rising according to the demand, seldom exceeding £50,000 per ann. of New England mony. This Province would produce hemp and flax, if proper encouragēmt. were given for it ; and the people had good seed for the first sowing. They export their lumber and some part of their fish to the neighbouring Governments of the West Indies, and to the Western Islands (from whence they get their wines) ; they likewise have sent some lumber, tar and turpentine, of late, to this Kingdom in exchange for linnen and woollen manufactures ; but they have some supplies of this kind from Ireland also, either directly or by way of other Plantations ; their best and most merchantable fish is exported to Portugal and Italy and the produce of it generally remitted to this Kingdom, except what is returned in salt for the fishery. Their fishery is much increased since the peace with France, but the lumber

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trade decreased by reason of the low price it bears in the West Indies, and the little encouragement there is to send it to this kingdom, because of the duties on that commodity here. The ships trading directly from this Province to foreign parts, are now very few, not exceeding 20 in number. But they have about 100 fishing vessels, and the number of seafaring men are near 400, tho' many of them not settled inhabitants there, and there are no manufactures carry'd on in this Province. There is but one fortification, *etc.*, Castle William, *etc.*, and it is in a tolerable state of repair. The constitution is the same with all others immediately under your Majesty's Government in America; they have a Govr. Council and Assembly *etc.* The Assembly are elected by the people and consists of fifteen. But the revenue of this Province is hitherto very insignificant.

The Province of ye *Massachusetts Bay* was by Letters Patents from King James I *etc.* granted to the Council established at Plymouth, and the said Council did *etc.* in the reign of King Charles I. grant all the lands mentioned therein to certain persons *etc.*, which was confirmed by the said King Charles *etc.* However in 1684 a judgment being given in the Court of Chancery upon a *Scire facias*, the said patent was vacated by King Charles the Second. But upon a petition of the Agents of that Colony to their late Majesties King William and Queen Mary, praying to be re-incorporated as formerly, their said Majesties were graciously pleased to grant a Charter to the inhabitants of the Colony *etc.* *Quote boundaries defined in Charter. Continue:*—But we beg leave to observe to your Majesty that altho' Nova Scotia is expressly included in this Charter, yet the same being at the time the Charter was granted in possession of the French by virtue of the Treaty of Breda, this part of the grant has always been esteemed of no effect, and the people of New England do not pretend any right thereunto. The Governmt. consists of a Govr. Council and Assembly; the Govr. is appointed by your Majesty, the Council consists of 28 persons, who are annually chosen by the Assembly; the Governor has a negative voice upon the nomination of any of them, and also upon all elections of officers in that Province. The Assembly are chosen by the People and consist of 98. There is a Secrtry. appointed by your Majesty and paid by ye Assembly. Thus altho' the Governmt. of this Province be nominally in the Crown and the Govr. appointed by your Majesty, yet the unequal ballance of their Constitution having lodged too great a power in the Assembly, this Province is, and is always likely to continue, in great disorder. They do not pay a due regard to your Majesty's Instructions. They do not make a suitable provision for the maintenance of their Govr. and on all occasions they affect too great an independance on their Mother Kingdom. It has generally been thought, that an Act of Assembly passed in this Province in the 5th

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year of His late Majty. King William (which by virtue of a clause in their Charter not having been repealed within three years stands as absolutely confirmed as if the same had received the Royal Approbation) has not a little contributed to the present disorders there, in as much as by the said Act it is provided that no person shall be capable of representing any town or Borrough where such person is not a Freeholder and settled inhabitant ; from whence it happens that the Assembly is generally filled with people of small fortunes and mean capacities, who are easily led into any measures that seem to enlarge their liberties and privileges, how detrimental soever the same may be to Great Britain or to your Majesty's Royal Prerogative. The inhabitants are very numerous and daily increase, and are computed to be at present about 94,000 souls. The Militia of this Province consists of sixteen Regiments of Foot and fifteen Troops of Horse, in which were mustred

Anno. 1702.	Men,	9,642	besides 500 in Service.
1710.	„	10,917	„ 300 Officers.
1718.	„	14,925	„ 800 Exempts.

1600

By this account it appears that the Militia is encreased above one third in 16 years, and if the said Militia be supposed to bear only the proportion of one sixth to all the rest of the inhabitants including old men, women and children, it will naturally follow that upon a proportional increase, there must be at present above 30,000 more inhabits. in *New England* than there were there in 1702. There are also in this Province several families of the Native Indians who have been civilized by degrees ; these make some profession of the Christian Religion, improve their own lands, and dwell in perfect friendship with your Majesty's subjects ; their number (including women and children) amounts to about 1200. The products of this country proper for the consumption of this Kingdom, are timber, turpentine, tar and pitch, masts, pipe and hogshead staves, whalefins and oyle and some furs ; they supply Spain, Portugal and the West Indies with considerable quantities of fish and lumber. We are likewise informed that they have mines of several kinds which might be wrought upon proper incouragement. Their trade to the Foreign Plantations in America, consists chiefly in the exportation of horses to Surinam, and (as we are informed) to Martinico, and the other French Islands, which is a very great discouragement to the Sugar planters in the British Islands ; for without these supplies neither the French nor the Dutch could carry on their sugar works to any great degree ; and in return for their horses they receive sugar, molasses and rum. In this Province there are all

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sorts of common manufactures; the inhabitants have always worked up their own wool into coarse cloths, drughts, and serges; but these as well as their home spun linnen, which is generally half cotton, serve only for the use of the meanest sort of people; a great part of the leather used in the country is also manufactured among themselves; Some natives have lately set up their trade in the principal towns, and several Irish families not long since arrived and settled to the Eastward, make good linnen and diapers; However ye excessive price of labour enhances the value of all their manufactures. It is therefore to be presumed that necessity and not choice, has put them upon erecting manufactures, not having sufficient commodities of their own to give in exchange for those they do receive already from Great Britain: and the most natural method of curing this evil would be to allow them all proper encouragement for ye importation of Naval Stores and Minerals of all kinds.

The branch of trade which is of the greatest importance to them, and which they are best enabled to carry on, is the building of ships, sloops, *etc.*; and according to our advices from thence they have annually launched from 140 to 160 vessels, of all sorts, which at 40 tons one with another amount to 6000 tons; and altho the greatest part are built for account of or sold to the merchants of this Kingdom, and in the Plantations, nevertheless there belongs to this Province about 190 sail which may contain 8000 tons and are navigated with about 1100 men, besides 150 boats, with 600 men, employ'd in the fisheries on their own coast. Their iron works, which were erected many years past, furnish them with small quantities of iron for common use; but the iron imported from this Kingdom, being esteemed much better, it is generally used in their shipping *etc.* *Fortifications and cost of garrison described.* *Continue:*—In the neighbourhood of this Province, there are but few Indians well affected to us, except the Five Nations near New York, who are in Alliance and Friendship with that Government, and maintain for the most part Neutrality with the French Indians. To the Eastward there are but two Tribes of note, the Kennebeck and Penobscot Indians, whose number doth not exceed 500 fighting men; the best are scattered up and down in small parties; they are generally inclined to the French, whose missionaries always reside among them and seduce them to their interest, but the Canada Indians viz. the Hurons, Illinois, and other nations who are intirely directed by the French are numerous, and in the late long wars, being assisted by them, often fell upon our Western Settlements, ravaging and destroying all before them, and barbarously murthering many of the inhabitants, whereby this Province was involved in the great debt they are still labouring under, and having no money, nor any Provincial

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product, such as tobacco in Virginia, or sugar in the Islands, they have been constrained ever since to support their credit by publick bills, which are current in payment, but they have till very lately raised mony every year for sinking them by degrees, and according to the Treasurer's accounts, they burnt as many of their old bills as amounted to £21,792 1s. 8d. in 1718, and £22,244 18s. 5d. in 1719, and issued new Bills to the amount of £15,000. But amongst many other irregular and unaccountable proceedings of the last Session of Assembly there, we find they have passed an Act for emitting new Bills of Credit to the amount of £50,000, in direct opposition to your Majesty's Instructions upon that subject. The total expence of this Province in time of war with France was generally computed at £35,000, and since the Peace at £17,000 per annum. In the year ending in May 1719, the land Poll Tax was given for £8250 0s. 0d.; the Excise with some arrears produced £2858 11s. 7d.; the impost on wine and other goods, £5119 9s.; the tonnage on shipping, £622 7s. 1d.; the lighthouse account and fines, £98 11s. 5d.; in all, £16,948 19s. 1d.; but deducting what is apply'd for discharging their former debts, the certain annual charge of the Governmt. is about £11,000.

The publick accounts are all annually examined and audited by the General Assembly, and no payment is made before it is voted and ordered by the said Assembly; which method as far as it relates to the Govrs. and some other officers' salaries, we humbly conceive may be one time or other prejudicial to your Majesty's service; and it is certain the last Assembly have retrenched the Governor's salary there very considerably, probably because he hath done his duty to your Majt. and refused to comply with their inclination in methods contrary to your Majesty's Instructions.

Rhode Island has usually been reputed a part of New England—lying in the Narranganset Bay etc. *Limits described. Continue:* This is a Charter Government granted by King Charles the Second in the 15th year of his reign, and consists of a Governor, Council and Assembly. The King appointed the first Deputy Governor etc., but they have since been annually chosen among themselves; by which means they evade the Act of the 7th and 8th of King William whereby it is enacted that all propriety Governors shall be allowed and approved of by your Majesty before they enter upon the Government. But by choosing their Governor annually, tho' 'tis generally the same person, his term is expired before any such approbation can be had, if they did apply for it, pursuant to the above-said Act, which hitherto they never have done. *Quote* instruction to Lord Bellomont (*v. C.S.P. 1697*), that the Governors of Connecticut and Rhode Island be required to give security for observing any instructions sent to them from H.M., or any acting under his authority, pursuant to the several acts of Trade etc. *Continue:*—But the said

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Instruction having not been continued to the succeeding Governors: we conceive it necessary that it should be repeated. As to the number of inhabitants in this Colony, their trade and state of their Government, we have but very imperfect accounts; and indeed the misfeazancies of this and most of the other Proprietary governments are so numerous that we shall not trouble your Majesty with them in this place but will take leave to give our humble opinion concerning them in the concluding part of this representation.

Connecticut. Describe boundaries. Continue:—This Government is upon ye same foot as Rhode Island, under the same regulations of government, and lyable to the same inconveniences.

The Government of New York. Describe boundaries and form of Government. Continue:—The Governor in this, as in all other Provinces under your Majesty's immediate government, has a negative in passing laws. His salary is £1200 per annum, payable out of the revenue of the Province. Here is no fixt revenue belonging to the Crown besides the Quit Rents, wh. have been established only since the year 1702, by an Instruction from Her late Majesty to the Lord Cornbury, then Govr. of that Province, at the rate of 2/6 on every 100 acres of land to be granted from that time, and are to be accounted for here in this Kingdom. These Quit Rents have not hitherto amounted to much more than £400 a year; but having been put under a better regulation by Brigr. Hunter the late Govr. it is expected they may amount in some time to more than double that sum every year. The Revenue raised by ye Assembly for the support of the Government has never been granted for any term exceeding five years. The last grant of it was to expire this year. But Mr. Burnet the present Governor has got it prolonged for five years more. The natural produce of this country consists in provisions which are sent to the British Islands in the West Indies, in horses sent to Surinam, Curaçoa and St. Thomas; and in whale oyle and peltry to this Kingdom; besides some naval stores, which this country is capable of producing in very great quantities, if proper measures were taken for this purpose.

Recount history of Palatine settlement for making tar there. (v. C.S.P. 1709 et seq.), and their claim, which has been referred to Governor Burnet for his report. Continue:—This province could likewise furnish iron in great quantities; it has some copper and lead, but at a great distance from the British and among the Indian settlements. There are coal mines in Long Island, which have not yet been wrought. The several commodities exported from this Kingdom to New York have, at a medium of three years, commonly amounted to about £50,000 a year. The imports from thence, have not, upon the same medium, risen higher than £16,000 a year, so that the ballance

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in favour of this Kingdom, as far as can be judged of it by the Custom House Accounts, has been upwards of £25,000 a year. The vessels belonging to this Province are small and not considerable in number, being employ'd only in carrying provisns. to the Southern Islands, and in ye coasting trade to the neighbouring Colonies on ye Continent. The number of the inhabitants in this Province encreases daily, chiefly from New England and from the North of Ireland. The Militia consists of 6000 men. Here are four Independant Companies maintained at the expence of the Crown, and employ'd to garrison several forts; one whereof is at New York, another at Albany, and a 3d. at Shenectady. There is likewise a small fort in ye country of the Mohack Indians. The fort at N. York has 4 regular bastions, faced with stone and mounted with 50 guns, but has neither ditch or outworks; The other 3 forts have only palisadoes. This Province, by reason of its situation, being almost in the middle of ye British Colonies on ye Continent, and the nearest of any to ye French Settlemts. on the River Canada, and to their Indians, as well as for the immediate influence or command it has over the 5 nations of Indians, might most properly be made ye seat of Governmt. for a Capn. General if your Majesty shall think fit to appoint one, and a barrier to ye neighbouring Colonies; for this reason particular care should be taken to put ye forts already built in ye best condition they are capable of, and to build others in such places where they may best serve to secure and enlarge our trade and interest with ye Indians, and break the designs of ye French in these parts; for this purpose it would be of great advantage to build a fort in ye country of ye Seneca Indians near the Lake Ontario, wch. might perhaps be done with their consent by ye means of presents, and it shou'd the rather be attempted without loss of time, to prevent ye French from succeeding in ye same design wch. they are now actually endeavouring at. We should here give a particular account of the above-mentioned five nations of Indians, if we had not occasion to do it in another part of this representation, relating to the consequence of the communication between ye French Settlemt. at Canada and Mississippi, and to wch. we therefore beg leave to refer.

NEW JERSEY. Boundaries and government described. *Continue:*—The greatest number of the inhabitants are Quakers, of which ye Council and Assembly chiefly consist. This Province raiseth by their Assembly about £1300 p. annum, for the support of their Government; but they think it a hardship to pay a salary to a Governor who resides in another Province, and wou'd be willing to raise still a further sum for the maintenance of a Govr., who could reside amongst them wch. they conceive wou'd greatly advance the trade and welfare of this country. This province produces all sorts of grain or

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corn ; the inhabitants likewise breed all sorts of cattle in great quantities with which they supply the merchants of New York and Philadelphia, to carry on their trade to all the American Islands ; but were they a distinct Governmt. (having very good harbours) merchants would be encouraged to settle amongst them and they might become a considerable trading people ; whereas at present they have few or no ships but coasting vessels, and they are supply'd from New York and Philadelphia with English manufactures, having none of their own. The inhabitants daily increase in great numbers from New England and Ireland, and before this increase the Militia consisted of about 3000 men. There are but few Indians in this Government and they very innocent and friendly to the inhabitants, being under the command of the 5 nations of Iroquois, and this Plantation not lying exposed, as some other British Colonies do, they have hitherto built no forts. There is great quantity of iron ore and some copper in this Province. They have only two Patent Officers vizt. an Attorney General and a Secretary ; and as all Patent Officers appointed in Great Britain are generally unwelcome to the Plantations, so by several Acts of Assembly their fees are so reduced (especially the Secretary's) that they are not sufficient for his subsistance.

PENNSYLVANIA. This Province is a Proprietary Governmt. granted by Charter of King Cha : the 2nd to Wm. Penn Esqr. in the year 1680. Its boundaries, agreeable to the sd. Charter, are new Castle County on ye South the River Delaware on the East unto 43 degrees of Northern latitude, and from thence a Meridian line run westward, which is to extend 5 degrees in longitude. There are likewise certain lands lying upon Delaware Bay, commonly called the Three Lower Counties which are reputed part of Pennsylvania, and are now actually under the same Governmt. These lands were granted to the said Wm. Penn in the year 1682 by King James the 2d. then Duke of York. But as ye validity of that grant has been more than once question'd, particularly in ye year 1717, upon the Petition of ye Earl of Sutherland praying a Charter from your Majesty of the sd. lands, ye same was referred to ye then Attorney and Solr. General, who made a report, dated 21st Octoer. 1717. But there having been no further proceedings on that petition, we need only mention, that it appears from the said report, that your Majty. is at least entitled to a moiety of the rents, issues and proffits which shall arise on the said lands contain'd in the said grant of the Duke of York made in the year 1681, altho' the same shou'd be valid in law. And we the rather take notice of this, because we find that in ye reign of the late Queen Ann, about the year 1712, an agreement was made by the then Treasury with Wm. Penn Esqr. for the purchase of his Government of Pennsylvania and the Three Lower Counties for the sum of £12,000, one thousand pounds of which was

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paid by Warrant of Her late Majesty bearing date 9th Sept. 1712, and as we think it our duty on all occasions to represent the advantages that wou'd accrue to your Majesty and the Publick, by taking Proprietary Governmts. into your own hands where it may be done agreeable to law and justice, we now beg leave to offer our opinion, that it would be for your Majesty's service to have the said agreement compleated by payment of the remaining £11,000, and whether the rents, issues and proffits before mentioned, ought not to be accounted for and made part of the said payments is humbly submitted. This Province being a Proprietary Governmt. as hath been before mention'd the Proprietor thereof has the appointment of a Govr., who nevertheless must be first approved of by your Majesty ; he likewise nominates the Council ; and the Assembly are elected by the freeholders. There is one circumstance very particular in this Charter vitz., that the Proprietor hath five years allowed him to transmit his Laws for ye Royal approbation, but the Crown hath but six months for the repealing them, within which time if they are not repealed, they are to be reputed Laws to all intents and purposes whatsoever ; from whence it frequently happens that several laws unfit for the Royal Assent continue in force for 5 years, and after having been disallowed by the Crown are enacted again, and by this practise become in a manner perpetual ; and this in our humble opinion is a further reason why the aforementioned purchase and agreement should be made and compleated. The soil of this country is various, light and sandy near the rivers, but rich and of a deep black mould further from the water ; being well cultivated by the industry of the inhabitants ; it produceth whatsoever is necessary for life. The River Delaware (the only one of consequence to trade in this whole country) is exceeding commodious for navigation, except in the two months of Decr. and Janry., when it is usually frozen up. The natural produce of this country is wheat, beef, pork and lumber ; their trade consequently consists chiefly in ye exportation of these to the several parts of the West Indies and Maderas, from whence in return they take rum, sugar, cotton, Spanish mony and wine ; they likewise build many brigantines and sloops for sale : but having few or no manufactures of their own, they are supply'd therewith from G. Britain to the yearly value of about £20,000. And as this Province does greatly abound in iron, so we have good grounds to believe, that if proper encouragement was given in G. Britain to take off that, and their timber, the people would thereby be diverted from the thoughts of setting up any manufactures of their own, and consequently the consumption of those of Gr. Britain considerably advanced. For it must be observed that this Plantation is in a very flourishing condition, greatly increased in its inhabitants ; and although the informations we have received

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touching their numbers differ extreamly, some computing them at about 60,000 whites and 5,000 blacks, and others not above half that numbr. yet they all agree in their opinion concerning the flourishing state of this Colony, and that the produce of their commodities may well be reckon'd at £100,000 p. annum. Four fifths of the inhabitants of this Province being Quakers, there is little care taken of their military affairs ; only one old ruin'd fort at New Castle with six useless guns belonging to it ; nor can we learn there is any establishment of a Militia for their defence ; but it must be allowed that to supply this defect, they have taken care to cultivate so good an understanding with their neighbour Indians, by going yearly to their principal town (Onistogo, Conostogo) to renew their Peace and by their fair and just dealings with them, that hitherto they have found no want of any force to protect themselves, and probably may not, for some time to come, if the Indians are not instigated by the artifices of the French to insult and disturb them. But the endeavors of the French to debauch the Indians from ye int'rest of your Majesty's subjects in America, and likewise the importance of maintaining and improving ye strictest friendship with those Indians, with ye proper methods of doing ye same, being particularly treated on in another part of this Report, we shall mention nothing further upon these heads at present.

MARYLAND. Boundaries, Charter and history of Government described. *Continue* : There is no revenue arising to ye Crown in this Province, but a very considerable one to the Proprietor. The ordinary expences of ye Governmt. are defray'd by a duty of 12d. per hogshead on all tobacco exported, and 3d. p. ton on all shipping inward ; and the extraordinary charges of the Governmt. are likewise provided for by the Assembly as occasion requires. The number of inhabitants was computed in the year 1704 to be 30,537, men, women, and children and 4475 slaves, young and old, in all 35,012. In the year 1710 was computed 34,796 whites, and 7,945 negroes, in all 42,741. And in the year 1719, was computed 55,000 white inhabitants, and 25,000 blacks, in all 80,000. From whence it appears that the inhabitants of this Province have increased to above double the number in 15 years ; and altho' some part of this increase may have been occasioned by the transportation of the rebels from Preston, by the purchase of slaves, as well as by the arrival of several convict persons, and of many poor families who have transported themselves from Ireland ; yet it must be allowed that Maryland is one of the most flourishing Provinces upon the Continent of America. The Militia is about 8,000 men, well arm'd and excellent marksmen. There are no forts or places of defence in this Province, but there has been lately built at the publick charge a large magazine at Annapolis which is well provided with spare arms for 1200

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foot and 600 horse, with a great quantity of Ammunition, to maintain wch. and to make a further provision of arms and ammunition there is a duty of 3d. p. hogshd. laid by Act of Assembly on all tobacco exported. The Indians who dwell within this Province do not exceed 500, and they live peaceably with the inhabitants. The neighbouring Indians are reported to be many formidable nations, with whom the people have but little commerce, this country being a peninsula; but they have been careful to make those on the frontiers their friends, by which means they have for sometime enjoy'd a perfect tranquility. The soil of this country is of different kinds, but most of it sandy; when cultivated, with little labour, it gives a vast increase and produces all things necessary for life, that G. Britain affords, with weh. the inhabitants plentifully provide for their subsistence. Tobacco is the staple commodity of this Province of which about 30 or 35,000 hogshds. are yearly exported to G. Britain; the inhabitants export some tobacco to the others plantations, as also grain, beef, pork and lumber, for which they have in return rum and sugar. They likewise send some corn to the Maderas for wine, but the most part of the wine they have from thence is purchased by Bills of Exchange. Whilst tobacco answers, in its price, the planters' labour, all manufactures and all other trade, that might arise from ye product of the country are laid aside. The inhabitants wear ye like clothing and have the same furniture within their houses with those in this Kingdom; the slaves are cloathed with cottons, kerseys, flannel and coarse linnens, all imported, and it is computed that this Province consumes of British manufactures to the value of £20,000 p. annum. No mines are yet discover'd here; except iron, which are very common but not wrought for want of a sufficient stock and persons of skill to engage in such an undertaking. The number of ships belonging to this Province are only four small brigantines, and not more than 20 sloops for the sea. The inhabitants not being inclined to navigation, but depending upon British bottoms for the exportation and importation of the bulk of their trade; and there has been employ'd of late years above 100 sail of ships from Great Britain.

VIRGINIA. *Describe boundaries etc. Continue:*—The strength and security of this Colony, in a great measure, depend upon their Militia; their plantations being usually at too great a distance from one another to be cover'd by forts or towns. James Town or Williamsburgh are the only towns in ye whole country, and there is no fort of any consequence for the security of their great navigation and trade but at James Town. However for their protection against the Indians who inhabit among them, and that line to ye westward, they have erected Christiana and some other forts; and the Council and Assembly have lately proposed to your Majesty a scheme for securing ye

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passes over the great ridge of mountains which lyce on the back of this Province, dividing them from the French and Indian nations in the French intrest. Whereupon we have some time since reported our humble opinion to your Majesty, and beg leave upon this occasion to repeat, that we conceive their proposal to be deserving of all reasonable encouragement. Their militia in the year 1690 consisted of 6570 horse and foot. In the year 1703 there were mustered 1403 officers 2161 horse, 1794 dragoons, 5198 foot=10,556. And in the year 1715, they were increased to about 14,000 in all. From whence we compute, supposing the militia to be a sixth part of ye whole, that the total number of the inhabitants (exclusive of negroes) amounts to about 84,000 souls. The Province is divided into 25 counties, and the proprietors of all lands that have been taken up in 20 of the said counties, pay an annual Quit Rent to your Majesty of two shillings in mony or 24 hwt. of tobacco for every hundred acres. But the propriety of the Northern Neck (containing the other five counties) was granted by King Charles the 2d and King James the 2d to the late Thomas Lord Colepepper upon a Quit Rent of £6 13s. 4d. p. annum. The land in the aforesaid twenty counties, on which the said quit rent to your Majesty is paid, contained in 1704, 2,238,143 acres, in 1714, 2,619,773½ acres. However the produce of this Revenue is very much governed by the price of tobacco in the country. For example; on a medium of 10 years ending in 1713 (during which time the tobacco was low) the proceed amounted to £1411 7s. 7½d. p. ann. And on a medium of the four following years (when the price of tobacco was high)—£2,270 11s. 8d. per annum. There is another revenue in this province that is settled and appropriated by the Assembly for the constant support and charge of your Majesty's Governt. This consists of several duties vizt. on every hogshd. of tobacco exported 2s., on every ton of shipping 1s. 3d., and on every poll imported, 6d. besides the rights for taking up of lands and fines and forfeitures. On a medium of six years, ending the 25th of Oector. 1710, the whole produced clear of charges £2,845 15s. 11d. p. annum. And upon the same medium the established salaries etc., amounted to £2,821 12s. 3d.; the ordinary charges, £176 12s. 5d.; and the contingent expences, £97 3d. 2d. The total annual charge as aforesaid, £3,095 7s. 10d., which exceeds the amount of the revenue £249 11s. 11d. And this excess hath been generally allowed by your Majesty as well as by your Royal Predecessors out of ye produce of the Quit Rents. But besides the said standing and certain charge, for which provision is made as aforesaid, this Province has been always obliged, for maintaining their guards and a garrisons on ye Indians frontiers, for erecting several publick magazines and buildings and discharging other necessary expences, to levy certain quantities of tobacco, at so many hwt. p. head on every

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tythable, which comprehends all persons exceeding sixteen years of age, except white women. The number of the said tythables according to their respective lists. In 1698 amounted to 20,523. In 1705 to 27,053. In 1714 to 31,540. The principal product of Virginia is tobacco, and in general its of a better quality than that of Maryland. Before the conclusion of the last Peace with France, the Virginia planters, exported to this Kingdom at least 30,000 hogsheads p. annum. but about that time the trade declining for want of foreign consumption, an act was passed in the 12th of Her late Majesty's reign, for encouraging the tobacco trade; and your Majesty hath been since graciously pleased to give your Royal Assent to an act for continuing the same. But as this commodity is of such consequence to the trade of Great Britain, not only with respect to our home consumption, but likewise to our foreign exportation; all further occasions should be laid hold of for giving some ease and encouragement to the same, by a further reduction of the duty so soon as it may be done consistant with the present appropriations thereof. The other branches of the trade between this Kingdom and Virginia consist in pitch and tar, pipe and hogshd. staves; skins and furr; and a few druggs; they also export to the other plantations some small quantities of tobacco, provisions and lumber but their dependance is almost wholly on the produce of tobacco.

CAROLINA. *Describes Charter, boundaries and Government; Continues:—*

North Carolina was formerly part of Virginia till granted to the Lords Proprietors by their second Charter. And it was at a certain place in this province called Roanoke, that Sir Walter Raleigh's servants made their first settlement. The boundary that separates this Province from Virginia being conceived in very disputable terms hath never yet been finally settled tho' commissaries have been formerly deputed by the two colonies for that purpose, who could never agree either upon the latitude or upon the true position of Wyanoke Creek; for ye Indians from whom this place derives its appellation, having often wander'd as their usual custom is, over that part of the Continent, and fix'd for certain times at different places there, they have left their name to many creeks. The South limits of this Colony have likewise admitted of some disputes the commissioners of the Lords Proprietors having frequently named Cape Fear instead of the river of that name for their boundary. The Government of North Carolina is something different from that of the Southern Province, resembling more nearly that for Virginia, of which as hath been observed it was formerly a part, being divided into two counties and seven precincts with petty courts for each, from whence in all matters exceeding a certain value, appeals lye to the Supream Court held by the Govr. and Council, which liberty of appeal as we are informed

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your Majesty's subjects in South Carolina do not at present enjoy. There are great tracts of good land in this province, and it is a very healthy country, but the situation renders it for ever incapable of being a place of considerable trade, by reason of a great Sound near sixty miles over, that lyes between this coast and the Sea, barred by a vast chain of sandbanks so very shallow and shifting that sloops drawing only five foot water run great riske in crossing them. The little commerce therefore driven to this colony is carry'd on by very small sloops chiefly from New England; who bring them clothing and iron ware in exchange for their pork and corn, but of late they have made small quantities of pitch and tar, which are first exported to New England, and thence to Great Britain. We are not thoroughly informed of the number of inhabitants; but according to the best accounts we cou'd get, the number of persons in their tythables or Poll Tax, were not long since above 1600, of which about one third were blacks. The Governmt. of this Province having for many years been a very disorderly one, this becomes a place of refuge for all the vagabonds whom either debt or breach of the Laws have driven from the other Colonies on the Continent, and pirates have too frequently found entertainment amongst them. There is no great prospect that these mischiefs should be redressed unless your Majesty shall be pleased to resume this as well as the Southern Province into your immediate Government; in which case North Carolina might in our opinion be restored again to Virginia and put under the care of your Majesty's Governor of that Colony. *South Carolina* extends from Cape Fear to the River of St. Mathias. The inhabitants of this Province conceiving themselves to be ill-used, or greatly neglected by the Lords Proprietors, have lately deposed their Governor and Council, and chosen a new Governor and Council of their own, which great disorder induced your Majesty to reassume the Governmt. thereof. This colony is the Southern frontier to your Majesty's plantations on the Continent, and will, no doubt, under ye happy influence of your Majesty's immediate protection become a flourishing colony. The trade of this province with respect to their own shipping is not hitherto very considerable, the inhabitants not having above 20 sail of their own amounting to about 1,500 tons; and as they chiefly apply themselves to the plantation work, they have not many sea-faring men; but their trade is carried on by the merchts. of Great Britain who reap a considerable advantage thereby. The commodities the people of Carolina take from Great Britain, are all manner of cloathing, woollen linnen, iron ware; brass and pewter; and all sorts of houshold goods, having no manufactures of their own, and their southerly situation will make them always dependant on G. Britain for a supply of those commodities, whose consumption may be

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computed at about £23,000 p. annum ; besides ye cost of a considerable number of negroes with which the British merchants have for some time yearly furnished them, taking their returns in rice and naval stores. There is a small trade carried on between Carolina and the Maderas for wine, and the commissioners of the Customs have a Surveyor General, a Collector, a Comptroller, a searcher, a Waiter, and a Naval Officer to put the Laws of Trade and Navigation in execution here ; But daily experience shews that illegal trade is not to be prevented in a Proprietary Government. The natural produce of this country is rice, pitch, tar, turpentine, buck-skins, furs, corn, beef, pork, soap, mirtle-wax-candles ; various sorts of lumber, as masts, cedar boards, staves, shingles, and hoop poles : But the soil is thought capable of producing wine, oyle, silk, indico, pot-ashes, iron, hemp and flax. The number of white inhabitants in this province have some time since been computed at 9000, and the blacks at 12,000 : But the frequent massacres committed of late years by the neighbouring Indians at the instigation of the French and Spaniards, has diminished the white men, whilst the manufacture of pitch and tar has given occasions to increase ye number of black slaves who have lately attempted and were very near succeeding in a new revolution, which wou'd probably have been attended by ye utter extirpation of all your Majesty's subjects in this province. And therefore it may be necessary for your Majesty's service that the Govr. should be instructed to propose some law to the Assembly there for encouraging the entertainmt. of more white servants for the future. The Militia of this Province does not consist of above 2000 men, and therefore considering the circumstances and situation these people are in, exposed in case of a rupture on the one side to the Spaniards, on the other to the French, and surrounded by savages, who are for the most part in an interest opposite to that of Great Britain, unless your Majesty shall be graciously pleased to send a military force to this country sufficient to protect your subjects, this valuable province in all probability will be lost. For this reason we took the liberty of representing to the late Lords Justices the necessity of sending four regiments thither to prevent the further incroachments of the French in those parts. We likewise propose, that as well to ascertain the bounds of this province which have not hitherto been fix'd any other way but by the Charters to ye Lords Proprietors, as to extend and protect the trade of your Majesty's subjects there ; several small forts should be erected in proper places, and that particular care should be taken to secure the navigation of the several rivers emptying themselves in those parts to the northwd. of Fort St. Augustine into the Westward ocean, but more especially that of the River Alamatahama, which ye French have some time ago new christned by the name of the River May. We

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were humbly of opinion that no time should be lost in a matter of this consequencee, because the great difficulties the French have found in the navigation of the River Mississippi; made it necessary for them to secure a better part, and they did some time ago take Pensicola from the Spaniards, which being since as we are informed restored, it is very probable the French may think of opening another communication from their great settlement at Mobile down the River Alamatahama to ye western ocean, wh. wou'd be a more fatal blow, than any that has hitherto been given to your Majesty's intrest in America. The fortifications of this country at present are but very few, and their situation not the most advantagious. Charles Town, for instance, is regularly fortify'd and hath about 100 guns mounted on the walls, the largest not exceeding 12 pound ball. There is likewise a small fort of about 10 guns at Port Royal and a pallizado fort at the late Savana Town, of 5 or 6 small guns, which lyes about 140 miles west from Charles Town towards the head of Santee River. 120 miles from Charles Town is also another small fort; in all which places there are about 100 men in garrison. But Port Royal seems to have been a good deal neglected, considering it is at present the frontier town, lyes ready for the supply of the Indian trade and the protection of the out garrisons, and has an excellent harbour; for which reason we should think that place ought to be better secured. It would likewise be for your Majesty's service that other forts should be built in this Province in proper places, for the reasons which shall be mentioned in that part of this Representation relating to the means proposed for preventing the encroachmts. of our European nei'bours. The Indian nations lying between Carolina and the French settlemts. on the Mississippi, are about 9200 fighting men, of which number 3400 whom we formerly traded with, are intirely debauched to the French intrest by their new settlement and fort at the Albamas. About 2000 more that lye between your Majesty's subjects, and those of the French King, trade at present indifferently with both; but it is to be feared that these likewise will be debauched by the French unless proper means be used to keep them in your Majesty's intrest. The remaining 3800 Indians are the Cherekees, a warlike nation inhabiting the Apalatché mountains; these being still at enmity with the French, might with less difficulty be secured; and it certainly is of ye highest consequence, that they should be engaged in your Majesty's intrest, for should they once take another party, not only Carolina, but Virginia likewise would be exposed to their excursions. Besides the Indians above mentioned there are about 1000 savages dispersed in several parts between Carolina and Virginia, from whom we have not much to apprehend, provided your Majesty's governors of these provinces live in that perfect harmony and good understanding which

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they ought to maintain with each other, and do justice to these poor people, who seldom give ye first offence. It were to be wished we had not so much reason to complain of our European nei'bourrs in these parts, but besides the encroachmmts. made by ye French, your Majesty's subjects meet with ill treatment from the Spaniards, more particularly at Fort St. Augustine where they have a garrison of 3 or 400 white men, and about 200 Indians, who give shelter to all our runaway slaves, and without regard to Peace or Treaties, commit frequent acts of hostility upon your Majesty's subjects. We are not as yet informed whither the Spaniards have resettled Pensecola, or what force they have there ; but they have a fort at the mouth of the Calahooche River with about 400 or 500 men in garrison, and we shall give your Majesty an account of the French force in the nei'bourhood, in that part of our Report which relates particularly to their settlements on the Continent. This province having hitherto but few inhabitants ; the quit rents of the Lords Proprietors amount only to about £500 p. annum ; but there is a duty of 3d. p. skin for the benefit of the clergy ; and the contingencies of the Government, which vary every year, are raised by the Assembly. There are no officers in Carolina that have patents from ye Crown, and none appointed at present by Yor. Majtys. authority but those of ye Govrs. and Custom : house : officers. All other officers both civil and military hold their employments immediately under the Lords Proprietors, their Governors or ye Assembly. Rice being the principal and staple commodity of this Province, and the merchants trading to Carolina having often complained that the advantage they formerly reaped by supplying Portugal with rice, hath been almost entirely lost since the Act of the 3rd and 4th years of Queen Ann, whereby rice is made one of the enumerated commoditys. and the importation thereof restrained to Great Britain ; we think it necessary before we conclude what we have to offer concerning this Province, to lay before your Majesty a particular state of this trade. Before the production of rice in Carolina the Kingdom of Portugal was supply'd with very great quantities every year from Italy. And the great consumption thereof in Portugal, with the liberty of transporting it directly thither from the Plantations, as freely as any other grain, first induced the people of Carolina to plant and propagate it. Their labour and industry being by degrees rewarded by an abundant increase of this useful and valuable product, they had a very fair prospect of wholly supplying the Portugal markets therewith. But being deprived by ye foresaid Act, of the liberty of transporting their rice directly to Portugal, and the additional frieght (from this to that Kingdom) with all other charges thereon, amounting to about one third part of its value ; no rice could be carried from England to Portugal but when the price has happen'd to be very high there. But

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the true state of this affair will best appear by the following account of the quantities of rice imported and re-exported communibus annis, on a medium of five years from Christmas 1712 to Christmas 1717 vizt.: Imported from Carolina and the other plantations, 28,073 cwt.; from East India, Turkey and Italy about 250 cwt.; the Total Import, 28,323 cwt. per ann.

Re-exported to Portugal, Spain and other parts to the Southward of Cape Finisterre, 2,478 cwt.; to Holland, Germany, and other countries to northward of Cape Finisterre, 20,458 cwt.; the Total Export, 22,936 cwt. per ann.

Remained for Consumpton, 5,387 cwt.; total 28,323 cwt.

It is evident from this account that the exportation of Rice from Great Britain to the northward is very considerable; and that the exportation of this commodity to the Southward is very small, which can arise from no other cause but the great expence that attends the same in double freight; the rice of Carolina being esteemed the best in the world; but by that means it happens that the Italians being near at hand have almost entirely beaten your Majty.'s subjects out of this trade; which proves very detrimental to the navigation of Great Britain: for if the Italians had not a vent for their rice in Portugal, they would hardly be able to carry on a trade to that Kingdom and Spain in their own shipping, they having no other gross goods but rice and paper, sufficient to furnish a lading for great ships; and they dare not adventure in any others for fear of the Algerines. We would therefore humbly submit to your Majesty whether it might not be for the advantage of the Plantations and of Great Britain likewise, to allow that rice might be carry'd from Carolina directly to Portugal or any other part of Europe to the Southward of Cape Finisterre; upon giving security that every vessel so freighted shall touch in Great Britain before she returns to the West Indies. The consequence of ye Plantatn. trade. Thus having gone through the several Colonies on the Continent in order to demonstrate ye consequence their trade is to Great Britain; we have drawn out from the Custom House books an Account No. 1 containing the total amount or value of all goods imported from and exported to the said Colonies, communibus annis, on a medium of 3 years from Christmas 1714 to Christmas 1717. And forasmuch as the trades to Africa and Madera may be accounted branches of the Plantation trade, the returns of the goods exported to those countries being generally sent from thence in negroes and wine to the Plantations; we have included the amount thereof in this account. But having enquired upon this occasion into the valuations of the aforesaid goods, we are inform'd that tobacco, sugar and some other of the Plantation products are over-rated; the prices of those commodities having been considerably reduced since the valuations were

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adjusted in the books of the Inspector-General of the Customs, from whence this is drawn; however as we have not ye same objection to the valuations of our own manufactures and products, we shall lay the same before your Majesty upon ye foot it now stands. From this account it will appear that the Plantations in America take from hence yearly to the value of one million sterling, in British products and manufactures and foreign goods. And altho' the exports charged in this account to the several Colonies on the Continent, amount to no more than £431,027 16s. 5d., yet as the Continent has undoubtedly a great share in the general article of Entry to the West Indies as well as in the Articles of Entry to Africa and the Maderas, the exports to ye Contint. may well be computed at £500,000 0s. 0d. But before we enter into the particular circumstances of ye Plantation trade on the Continent, it will be necessary to ascertain the principal commodities wherein their trade consists; and how much they respectively amt. to, which will appear Account No. 2. It may be observed from this account that the exports to the Continent of America exceed the imports from thence about £200,000 per ann. which debt falls upon ye Provinces to the northward of Maryland who probably are inable to discharge the same by the trade they are permitted to carry on in America and to Europe in commodities not enumerated in the Acts of Trade, as may be gathered from a state of their shipping and tonnage hereunto annexed, number 3, 4 and 5; altho' the same is not so perfect as it might otherwise have been for want of returns from the Proprietary Governmts. Besides the advantages accruing to Great Britain from so large an exportation to the Colonies on the Continent of America, from whence as hath been already shewn, there doth arise a ballance of £200,000 sterling; it is to be observed that your Majesty's revenue of the Customs is very considerably increased by this trade; that great part of ye commodities which we receive from thence are such as we should otherways be obliged to take from foreign markets; and that there is a very great profit arising from the re-exportation of such of the said Plantation commodities to foreign markets as are not expended at home. Our home consumption of tobacco only may be computed at lb wt. 8,175, 226, per ann.: and the tobacco re-exported lb. wt. 17,142,755 p. ann.: as may appear by the account number 6, wherein the sugars as well as the tobacco imported and exported for five years from Christmas 1712 to Christmas 1717, are distinctly stated. And we have the rather chose to joyn them, because they are the two staple commodities of the islands and of the Continent, whose intrests are inseparable, nor would it be possible to support the sugar Islands without the assistance of the Continent. There still remains to be considered another great advantage that arises

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to this Kingdom from the Plantation trade, which is, the constant employment it gives to our British shipping. The number and tonnage of the ships cleared from England for His Majesty's Dominions in America, and for Africa and Madera in three years, from Christms. 1714 to Christmas 1717, is as follows:—

Cleared in the said three years,

For		Ships.	Tonns.	Medium of the tonnage p. ann.
New England	.. .. ..	240	20,276	6,758½
New York	.. .. ..	64	4,330	1,443½
Pennsylvania	.. .. ..	55	5,429	1,809½
Maryland	.. .. ..	108	17,851	5,883½
Virginia	.. .. ..	340	47,009	15,669½
Carolina	.. .. ..	92	8,033	2,677½
For the Continent	.. .. ..	899	102,728	34,242½
Barbados	.. .. ..	347	37,849	12,616½
Antegoa	.. .. ..	111	11,092	3,697½
Montserrat	.. .. ..	25	1,770	590
Nevis	.. .. ..	33	2,963	987½
St. Christophs.	.. .. ..	30	3,170	1,056½
Jamaica	.. .. ..	162	22,913	7,637½
Bermuda	.. .. ..	4	160	53½
For the Islands	.. .. ..	712	79,917	26,639
West Indies	.. .. ..	123	16,687	5,562½
Hudson's Bay	.. .. ..	7	732	244
Total for the Plantatn.	.. .. ..	1,741	200,064	66,688½
For Africa	.. .. ..	92	10,823	8,899
Madera	.. .. ..	181	15,875	
In all .. .. ..	.. .. ..	2,014	226,762	75,587
that is communibus annis	.. .. ..	671	75,587	

And whereas there was clear'd from this Kingdom, on a medium of the said three years ending at Christmas 1717, for all foreign parts.

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		Ships.	Tons.	
British	5,663	419,681	
Foreign	330	17,446	p. annum.
In all	5,993	437,127	

It is evident that the shipping employ'd annually in the Plantation trade only, was more than a sixth part of the whole tonnage for that time from the several ports of England to all foreign countries. But computing that the other five sixths parts of the said shipping may be employ'd (a little more or less) as follows :—

$\frac{1}{6}$ in the Trade to Spain, Portugal, the Streights, Canaries, East India, Newfoundland and Archangel.

$\frac{1}{6}$ to Denmark, Norway and the Baltick ; $\frac{2}{6}$ to Germany, Holland, Flanders and France, and $\frac{1}{6}$ to Ireland, and the other British Islands.

And it being obvious that the ships employ'd in the trades near home make two or three voyages whilst the ships bound to the Plantations are performing one, it is very probable that the trade which is carried on between England and the American Plantations, employs at least one fourth part of the shipping annually clear'd from this Kingdom. And upon casting up the tunnage of the Plantation products re-exported in the year 1717, it appears there was employ'd near half as much shipping in transporting these goods from hence to Germany, Holland and other foreign countries, as was employ'd in the trade directly from the British Colonies in America. Consequently therefore it may be concluded that about one third part of the shipping employ'd in the foreign trade of this Kingdom is maintained by the Plantation trade. But notwithstanding the advantages at present arising from the Plantation trade are so very considerable ; it is not to be doubted but that they might still be render'd much more useful if sufficient encouragement were given to induce them to turn their industry to the production of naval stores of all kinds, and of such other commodities as our necessities require, and which are purchased by us with great disadvantage from foreign countries ; from whence this convenience amongst many others would naturally result, that the more northern Colonies would be thereby enabled to pay their ballance to England, without lying under the necessity of carrying on a trade to foreign parts, in some respects detrimental to their Mother Kingdom.

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NUMBER 1.

The total value of the Imports from			The total value of the Exports to		
£	s.	d.	£	s.	d.
187,059	0	0	Antegoa	..	..
364,557	6	10	Barbados	..	..
332,266	0	10	Jamaica	..	..
34,485	5	9	Montserrat	..	..
85,078	15	6	Nevis	..	..
98,772	18	5	St. Christophers	..	..
1,102,219	7	4			
				348,318	8
			New England	..	..
65,016	7	2	New York	..	..
22,607	16	4	Pensylvania	..	..
5,051	7	0			
92,675	10	6		209,760	15
250,994	10	6	Virginia and Maryland	..	..
38,906	16	1	Carolina	..	..
				198,276	4
				22,987	16
PLANTATIONS.					
382,576	17	1	On the Continent	..	..
1,102,219	7	4	On the Sugar Islands	..	..
3,391	17	0	West Indies in General	..	..
412	19	6	Bermudas	..	..
6,898	6	10	Hudson's Bay	..	..
1,495,499	7	9			
				879,680	0
			Africa	..	..
27,236	12	9	Madera	..	..
4,960	14	8	Total	..	..
1,527,696	15	2		1,048,523	4

NUMBER 2.

The Principal Imports from New England, New York, Pennsylvania, Virginia, Maryland and Carolina are as follows :—

In skins and furs	..	..	£	s.	d.	
			17,340	14	10	Products of the Indian trade.
Turpentine	..	..	12,082	19	5	
Pitch and Tar	..	..	34,990	0	0	
Train Oyle	..	..	7,680	18	7	
Whale-fins	..	..	3,679	14	3	
Tobacco	..	..	236,588	18	1	
Rice	..	..	19,206	18	4	
Sugar brown	..	..	9,834	7	3	
Logwood	..	..	21,060	6	4	
			362,464	17	1	
In all other goods	..	..	20,112	0	0	
The total Import according to the aforesaid General Account	..	..	382,576	17	1	p. annum.
But the tobacco being over-valued about	80,000	0	0	
The said Import cannot amount to more than	..		302,576	17	1	p. annum.

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And the principal exports to the said Provinces, are as follows,
In British Manufactures and Products.

	£	s.	d.	
Woolen Manufactures ..	147,438	11	7	
Silk wrought and thrown ..	18,468	7	1	
Linenens and Sail Cloth ..	11,464	9	0	
Cordage	11,284	5	9	
Gunpowder	2,392	15	5	
Leather wrought and saddles ..	15,161	12	6	
Brass and copper wrought ..	2,565	6	7	
Iron wrought and nails ..	35,631	13	6	
Lead and shott ..	2,850	9	3	
Pewter	3,687	6	11	
In many other goods ..	43,941	5	6	
	294,886	3	1	
IN FOREIGN GOODS.				
Linenens	86,413	0	0	
Calicoes	10,102	4	0	
Prohibited East India Goods ..	10,523	12	9	
Wrought Silks	1,189	11	1	
Iron and Hemp	6,152	5	11	
In other foreign goods ..	21,760	19	9	
	136,141	13	6	
	294,886	3	1	
The said export amounts to according to the aforesaid General Account ..	431,027	16	7	p. annum.
				Foreign Goods
				British Goods

But as it has been already mentioned, the total export might probably amount to at least £500,000 p. annum.

NUMBER 3.

Ships, Sloops and other Vessels.	In three years from 24th June, 1714, to the 24th June, 1717, there was cleared from Boston :—	Tons.	Men.
495	For the British Islands in the West Indies	27,831	3,830
58	Foreign Plantations	2,597	393
23	West Indies	1,335	175
45	Newfoundland	1,835	274
23	Europe	1,865	210
34	Madera, Azores, etc.	1,690	236
678		37,153	5,118
143	Great Britain	11,956	1,412
390	British Plantations on the Continent ..	11,589	1,883
25	Bay of Campeche for Logwood	1,675	221
11	To ports unknown	415	63
1,247	The total in three years	62,788	8,697
	that is		
415	Communibus Annis	20,929	2,899

N.B. 1,199 of the aforesaid
1,247 ships and vessels

Containing 58,152 tons were Plantation built.

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NUMBER 4.

In the said three years there was also cleared from the Port of Salem (*Mass.*)

Ships, and Sloops, Etc.		Tons.	Men.
59	For the British Islands in ye West Indies	2,296	328
2	Surinam	75	10
10	West Indies	304	46
117	Europe	9,122	1,152
9	Madera, Azores, etc.	421	59
197		12,218	1,595
4	Great Britain	208	29
31	British Plantations on the Continent ..	1,005	158
232	The Total in three years	13,431	1,782
77	Communibus Annis	4,477	594

NUMBER 5.

And from New York there was clear'd in 3 years from 24th June 1715 to 24 June 1718.

Ships, Sloops, Etc.		Tons.	Men.
63	To Great Britain	4,382	638
205	British Plantations on ye Continent ..	4,234	897
250	British Plantations on the Islands ..	8,776	1,904
9	Newfoundland	395	67
85	Foreign Plantations	2,595	603
24	Maderas, Africa, etc.	1,395	282
9	Europe	615	122
645	Total in three years	22,392	4,513
215	Communibus Annis	7,464	1,504

NUMBER 6.

Sugar, Brown.

In	1713	..	..	Imported cwt.	Re-exported cwt.
	1714	..	..	503,528	183,201
	1715	..	..	512,235	157,036
	1716	..	..	617,414	142,701
	1717	..	..	684,378	161,519
				762,735	289,994
	In the sd. 5 years	3,080,290	934,451
	Or Communis. Annis	616,058	186,890
	Remained for Consumption	..			429,168

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Tobacco.

			Imported lb. wt.	Re-exported lb. wt.
In	1713	21,598,807	16,597,796
	1714	29,264,094	19,650,246
	1715	.. .. ..	17,810,864	13,479,110
	1716	.. .. ..	28,316,088	16,601,441
	1717	.. .. ..	29,600,053	19,385,186
In the sd. 5 years			126,589,906	85,713,779
Or Coms. Annis			25,317,981	17,142,755
Remained for Consumption				8,175,226 p. ann.

MISSISSIPPY.

The French Nation having always been desirous to extend their Dominions in America, have lost no opportunity of encroaching upon their neighbours there; and altho' your Majesty, and your Royal Ancestors have an uncontested right, as well by discovery as possession, to the several British Colonies in America; yet the French Kings have at sundry times made grants thereof to their subjects; such were the Letters Patents of Lewis the 13th in favour of the French West India Company bearing date the 29th of April 1627, and those of Lewis the 14th to Mons. Croisat some time since surrendered to the United India Company of France, upon which they build their title to ye Mississippy; many other instances of ye like nature might be given, were they necessary to the present purpose. But these two which comprehended almost all your Majesty's Dominions in America may be sufficient to show the unlimitted inclination the French have to encroach upon your Majesty's territories in those parts. However as the French are convinced that a Charter without possession can never be allowed by the law of Nations to change ye property of the soil, they have employ'd another artifice and without embarrassing themselves about former discoveries made by the subjects of other Princes, have built small forts at the heads of lakes and rivers along that vast tract of land from the entry of the River of St. Lawrence, to ye embouchure of the Mississippy into the Bay of Mexico, not so much with intention probably to bound their own territories as to secure what they have already got till a more favourable juncture shall give them occasion to make further intrusions upon their neighbours. And if the late war in Europe when the Allies made so successful efforts against the exorbitant power of France; had not found Lewis the 14th imployment at home, it is very likely the French would have been much more formidable than they are now in America; notwithstanding ye Treaty of Neutrality for those parts made at London in 1686 ought

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to have secured to Gt. Britain the several Colonies whereof your Majesty's Royal Predecessors stood possessed at the time of making the said treaty. But the little regard the French have to that Treaty, will evidently appear by ye invasions and frivolous pretences set on foot by their Ministers during the debates in ye year 1687 at London when the Lords Sunderland, Middleton and Godolphin were appointed by King James to confer with ye then French Ambassadors Monsr. de Barillon and the Sieur Dusson de Bonrepeaux concerning the boundaries of the Hudson's Bay Compy. And altho' that Conference terminated in a confirmation of the aforesd. Treaty of Neutrality, together with a resolution of settling the boundaries between the English and French Colonies in America by proper Commissaries, which resolutn. has since been enforced by the 10th Article of the Treaty of Utrecht; yet the French could never be induced to enter sincerely upon so necessary a work notwithstanding Commissioners were lately appointed for that purpose, and met with others deputed by the French Court at Paris. It is therefore very apparent from these transactions, that there remains no way to settle our boundaries, but by making ourselves considerable at the two heads of your Majesty's Colonies north and south; and by building of forts, as the French have done, in proper places on the inland frontiers. The French territories in America extend from the mouth of the River St. Lawrence to the embouchure of the Mississippi, forming one continued line from north to south on the back of your Majesty's Plantations; and altho' their garrisons in many parts are hitherto but very inconsiderable, yet as they have by the means of their missionaries debauched several of the Indian Nations to their intrest, your Majesty's subjects along the Continent have the utmost danger to apprehend from this new settlement, unless timely care be taken to prevent its increase. But this will be the proper subject of another part of this report, and therefore we shall at present proceed to give your Majesty an account of the forts ye French have built, and the settlements they have made to secure their communication of the several routs they have practised from Quebec to the Mississippi, of the Indian nations in those parts whom they have gain'd over to their intrest, and of those who still remain friends to your Majesty's subjects. And as the most perfect account we have of these particulars was transmitted to us some time since by Mr. Keith the present Govr. of Pennsylvania, we hold ourselves obliged upon this occasion to acknowledge how much we are indebted to his exactness and application therein. It is evidently from Father Hennipen and La Salles Travels, that ye communicatn. between Canada and Mississippi is a very late discovery, and perhaps such an one as no nation less industrious than the French would have attempted. But it must be allowed that they have a great

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advantage over us in this particular, to wh^e. even the nature of their religion and Government do greatly contribute. For their missionaries, in blind obedience to their superiors, spend whole years in exploring new countries. And the encouragement the late French King gave to the discoverers and planters of new tracts of lands, doth far exceed any advantages your Majesty's Royal Predecessors have hitherto given to their subjects in America. And as your Majesty's European Dominions have long been burthen'd with the expence of two successive wars, the Parliament of Great Britain have hitherto only been able to assist the Plantations with a very sparing hand ; altho' considering the great revenue they bring your Majesty in your Customs, and the vast importance they are of to the trade and navigation of these Kingdoms, it is now to be hoped they may be thought worthy of greater attention. And indeed had this matter been sooner considered, the French Dominions had never been extended from north to south thro' the whole Continent of America. For your Majesty's subjects who had much greater convenience of discovering and making treaties with the Indian nations on the Lakes which lye so contiguous to the back of the British settlements, might effectually have prevented this communication which may prove highly inconvenient to the trade and welfare of your Majesty's Colonies. However it is not even yet too late to think of applying a remedy, nor will it be at all impossible to interrupt a rout which your Majesty may perceive by the following detaile hath many natural obstructions, and could never have been rendered practicable without ye greatest industry. From Mount Real on the river St. Laurence the French generally sail in canoes about three leagues to the falls of St. Lewis, where they are obliged to land and travel about half a league before they embark again in order to row up the stream about 60 leagues farther to Fort Frontenac, situate on the north side of the river at the entrance of the Lake Ontario, where they have a garrison consisting of one or two companies. From thence they proceed on the said lake, reputed about 80 leagues in length, to the Great Fall of Niagara, which lies between the Lakes Ontario and Erie, where they are obliged to travel overland again about three leagues before they enter the Lake Erie which is about 130 leagues in length. From this lake to ye Mississippy they have three different routs, the shortest by water is up the River Miamis or Ouamis, on the south-west of Lake Erie, on which river they sail about 150 leagues, without interruption, when they find themselves stopp'd by another landing of about 3 leagues, which they call a carrying place, because they are generally obliged to carry their canoes over land in those places to the next river, and that where they next embark is a very shallow one called la riviere de Portage ; hence they row about 40 leagues to the

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River Oubach, and from thence about 120 leagues to the River Hohio into which the Oubach falls, as the River Hohio does about 80 leagues lower into ye Mississippy, which continues its course for about 350 leagues directly to the Bay of Mexico. There are likewise two other passages, much longer than this, which are particularly prickt down in Hennipen's map, and may be described in the following manner. From the north east of Lake Erie to a fort on the Lake St. Clair called Pont Chartrin, is about 8 leagues sail; here the French have a settlement, and often 400 traders meet there; along this lake they proceed about 7 leagues further and thence to the great Lake Huron about 10 leagues; hence they proceed to the Straits of Missillimackinack 120 leagues; here is a garrison of about 30 French and a vast concourse of traders, sometimes not less than 1000 besides Indians, being a common place of rendezvous; at and near this place the Outarvas an Indian Nation are settled. From the Lake Huron they pass by the Strait Missillimackinack four leagues, being two in breadth and of a great depth, to the Lake Illinois; thence 150 leagues on the lake to Fort Miamis situated on the mouth of the river Chigagoe; from hence came those Indians of the same name; vizt. Miamis who are settled on the forementioned river that runs into Erie. Up the River Chigagoe they sail but 3 leagues to a portage of a $\frac{1}{4}$ of a league, then enter a small lake of about a mile and have another very small portage, and again another of two miles to the River Illinois, thence down the stream 130 leagues to Mississippy. The next rout is from Missillimackinack on the Lake Illinois to ye Lake de Puans 90 leagues; thence to the River Puans 80 leagues, thence up the same to a portage of about 4 miles before they come to the River Ovisconsing, thence 40 leagues to Mississippy. These distances are as the traders reckon them, but they appear generally to be much overdone, which may be owing to those peoples coasting along the shores of the lakes, and taking in all the windings of the rivers. They have another much shorter passage from Mount Real to Lake Huron by the French river on the north of St. Lawrence which communicates with the two latter routs, but it abounds with falls and therefore it is not so much used. They have also by this river a much shorter passage to the upper lake or Lake Superieur. The French have at all times used their utmost endeavours to bring over the Indians to their intrest; and the missionaries have been so successful in this point, that they have even seduced some part of the Iroquois commonly called by the name of the Five Nations, from their ancient friendship and dependance on your Majesty's Colony of New York; and altho' provision was made by the 15th Article of the Treaty of Utrecht to prevent the like inconveniences for the future, yet experience hath shewn that such treaties made with the French as cannot be afterwards executed

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without their assistance, are likely to prove ineffectual. We would therefore follow their example in this particular; and lose no time, at least in securing such of the Indian nations as are not already in league with them. Of this sort are the Miamis—settled upon the river of the same name; which runs into the Lake Erie, and are about 2000 in number. The gaining of this Nation to the British interest would be of very great importance, and as we are informed might be done by settling a trade with them, and building a small fort upon the Lake Erie, where ye French in 1718, had no settlement. What they have now is not as yet come to our knowledge, tho' in all probability they have or will soon begin to build one there. This will appear to be the more necessary when we shall consider how many Indian nations on the back of the British settlements the French have already gain'd to their interest. The Illinois are about 3000 men on or near the river of that name. The Ottoways or Missillimackinacks were formerly 3000, but now scarce 500. The Nokes 100 the Fellesavoins 200, the Sakes 200, the Puans 600. All these joyn'd the French against the Five Nations in the late war, and all of them except the Miamis are seated about or near to ye Lake Illinois, which is now commonly called by them Michegan and on the rivers that run into it, and on the Lake Puans and the River Illinois. On the Mississippi and the branches of it there are many great nations especially to the west, as the Missouris, Ozages, Acansas (different from those of Acansa on the east) with many more, not less, as is affirmed, than 60,000 men, with all whom it is said the French have peace or some alliance. On the other hand all the English to ye northward of Carolina, have not 1500 fighting men in their interest to be depended on, except ye Five Nations. In New England and Connecticut they have very few: in New York only ye River Indians besides the 5 nations. In Jersey and Pensylvania their own or home nations called Delawares are exceedingly decreased, and being in subjection to the 5 nations take their rules from them. In Maryland and Virginia there are very few except those towards the south-west, whom Col. Spotswood with great industry has lately gain'd by treaties and hostages. Those of Carolina and the nations lately in friendship with them, have been very numerous, but are not so at present: the French having made great encroachmts. in those parts and gain'd many of the Indians there, over to their interest. Thus by one view of the Map of North America, your Majesty will see the danger your subjects are in, surrounded by the French who have robbed them of great part of the trade they formerly drove with the Indians, have in great measure cut off their prospect of further improvements that way; and in case of a rupture may greatly incommod the Indians if not absolutely destroy them by their Indian allies; and altho' the British Plantations are

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naturally fortify'd by a chain of mountains, that run from the back of South Carolina as far as New York, passable but in few places ; yet should we not possess those passes, in time this would rather prove destructive than beneficial to us.

Considerations for securing, improving and enlarging your Majesty's Dominions in America.

Having laid before your Majesty the state of your Plantations on the Continent, etc., what further remains is, that we should humbly offer to your Majesty's consideration such methods as have occurred to us, for securing improving and enlarging so valuable a possession as that of your Majesty's Dominions in America ; which we conceive might most effectually be done : 1st. By taking the necessary precautions to prevent the incroachments of the French, or of any other European nation. 2nd. By cultivating a good understanding with the native Indians. And lastly by putting the Government of the Plantations upon a better foot. In order therefore to secure your Majesty's Colonies from the encroachments of their European neighbours in America ; whereof we receive daily complaints from the several governors on the Continent ; it will be highly necessary to begin by fortifying ye two extremities to the north and south. This will appear ye more necessary when it shall be considered how much the French have strengthen'd their settlemts. in the neighbourhood of Nova Scotia and Carolina, whilst your Majesty's subjects either thro' neglect or misfortune, are much weaker in these two provinces, than any other part of America. It has been already observed that there are not above two British families in all Nova Scotia besides the garrison of Annapolis consisting of at present only six companies of 34 men each, but there are still near 3000 French inhabitants remaining in this Province, who contrary to the Treaty of Utrecht refuse to take the Oaths of Allegiance to your Majesty, and in combination with their countrimen at Cape Breton, are daily instigating ye native Indians not only to commit insults upon your Majesty's subjects fishing upon the coast of Nova Scotia, but even to set up a title to the whole Province in opposition to your Majesty's right. The French likewise pretend that only the Peninsula of Accadie (hardly one third part of Nova Scotia) was yielded to the Crown of Great Britain by the Treaty of Utrecht, and notwithstanding this pretence is sufficiently refuted in the former part of this report, by comparing the Charter to Sir William Alexander the first proprietor of Nova Scotia, with the Article of Cession in the Treaty of Utrecht, yet from these unreasonable cavils in time of profound peace and friendship between the two nations may be collected how desirous the French are to make themselves masters of this Province, which they may easily over-run on the first rupture, the same being in a manner already surrounded by their settlements at Cape Breton, Long Island and Quebec. In our

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humble opinion therefore no time should be lost in putting of this Province into a better posture of defence ; and we humbly beg leave to repeat our proposal for sending of four regiments of foot to Nova Scotia. Without some assistance of this nature it will be in vain to think of settling Nova Scotia ; for planters will never fix where they can have no security for their persons or effects ; but whenever this main point shall be sufficiently provided for, it is to be hoped so fertile a country will not want inhabitants, all reasonable encouragemt. however should be given to adventurers to settle there, and in some former reports to Yr. Majesty, we have humbly offer'd it as our opinion that it would be greatly for Your Service that the present inhabitants of Newfoundland should be engaged to quit that place where they drive a trade prejudicial to ye fishery of Great Britain, and settle in Nova Scotia where they may be useful to this kingdom. We shall not trouble your Majesty with the repetition of the particulars mentioned in former parts of this representation concerning the fortifications proposed to be erected on the Coast of Nova Scotia, but shall beg leave in general to observe that bays and harbours shou'd be secured and some forts built in proper places for the protection of your Majesty's subjects fishing upon this coast. In that part of this report relating to the French Settlements we have taken notice that nature has furnished the British Colonies with a barrier which may easily be defended, having cast up a long ridge of mountains between your Majesty's Plantations and the French settlements extending from South Carolina to New York ; but there are doubtless several passes over these mountains which ought to be secured as soon as they shall be discovered, and we had the honour not long ago to recommend to your Majesty's approbation. a proposal for fortifying the passes on the back of Virginia. In our opinion all possible encouragement should be given to discoveries and undertakings of this nature ; for if all the passes over this ridge of mountains are not secured, your Majesty's subjects will be lyable to the insults of the French and of the Indians under their influence, who are very numerous. But altho' these mountains may serve at present for a very good frontier, we should not propose them for the boundary of your Majesty's Empire in America. On the contrary it were to be wished that the British settlements might be extended beyond them and some small forts erected on ye great lakes in proper places by permission of the Indian proprietors ; and we would particularly recommend ye building of a fort on the Lake Erie, as hath been proposed by Col. Spotswood your Majesty's Lieut. Governor of Virginia, wherby the French communication from Quebec to the River Mississippi might be interrupted, a new trade open'd with some of the Indian nations, and more of the natives engaged in your Majesty's intrest.

There will be the same reason for erecting another fort at

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the falls of Niagara, near the Lake Ontario. Mr. Burnet your Majesty's Govr. of New York hath already form'd a scheme for this purpose which we hope he may be able to execute by the consent and assistance of the Seneccees, one of the Five Indian nations dependant on your Majesty, to whom the soil belongs. But because these lakes lye at a very great distance from the settlements already made by your Majesty's subjects, to secure intermediate stages a third fort might be built at the head of the Potomack River which divides Virginia from Maryland, and a fourth at the head of Sasquehana River, whch. runs thro' Pennsylvania into the Bay of Cheasapeake. Carolina likewise being the southern frontier of your Majesty's Plantations, and lying much exposed to the incursions both of the French and Spaniards, as well as to ye insults of the Indians ; demands your Majty's. immediate assistance and protection. It would be for your Majesty's service, that the heads and emboucheurs of all rivers running thro' this Province should be secured ; in our humble opinion, a less force than four regimts. of foot will not be sufficient for the protection of your Majesty's subjects there, especially considering how many places will require garrisons ; for besides those already mentioned under the head of Carolina, it will be highly necessary that three others should be erected on the Savanah, Catahooche and Hagaloge rivers ; for at Palachakolas on the Savanah river the French had formerly a Settlement in the time of Charles the Ninth, and intend to settle there again if not prevented. A fort on Catahooche River would secure a communication with the Bay of Apalatche, and another on Hagaloge River might not only interrupt the communication of ye French settlements, but likewise give your Majty.'s subjects an opportunity of gaining the Charkees, a war-like nation and the only Indians of consequence in those parts that have not already made peace with the French. We are very sensible that this proposal will be attended with expence ; but we hope it may be fully justify'd by the necessity thereof, for the preservation of the British Colonies in America.

In relation to the Indians. The second particular wherein your Majesty's intrest is highly concerned wth. respect to the trade and the security of the British Plantations, is that of cultivating a good understanding with the native Indians, as well those inhabiting amongst your Majesty's subjects, as those that border upon your Majesty's Dominions in America ; and herein at all times hath consisted the main support of our French neibours who are so truly sensible of what consequence it is to any European nation settling in America to gain the natives to their intrest, that they have spared no pains, no cost nor artifice to attain this desirable end ; wherein it must be allowed, that they have succeeded, to ye great prejudice of your Majesty's subjects in those parts, having debauched as

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hath already been observed, some part of the Five Nations bordering upon New York from their ancient league and dependence on the Crown of Great Britain. For this purpose their missionaries are constantly employ'd, frequent presents are made to the Sachems or Kings of ye several nations, and encouragement given for intermarriages between the French and natives, whereby their new empire may in time be peopled without draining France of its inhabitants. It was for this reason that in the draught of instructions for the Governor of Nova Scotia, we took the liberty of proposing to your Majesty that proper encouragement should be given to such of your Majesty's subjects as should intermarry with the native Indians; and we conceive it might be for your Majesty's service, that the said instructions should be extended to all the other British Colonies. Your Majesty and your Royal Predecessors have frequently made presents to the Indian chiefs, more particularly to those of the Five Nations; but as the same have always hitherto been a charge upon the civil list, which is generally overburthened, so those presents have not been very regularly or seasonably sent to America, and consequently many opportunities of improving the British intrest in those parts, must have been lost for want of them; for which reason it is to be hoped that more exactness will be had in this particular for the future. It is likewise much to be lamented that our zeal for propagating of the Christian faith in parts beyond the seas, hath not hitherto much enlarged the pale of the British Church amongst those poor infidels, or in any sort contributed to promote the intrest of the State in America. But as it is not so immediately our province to propose anything particular upon this head; we can only wish that the same may be hereafter put upon a better foot. There is however one other method left for gaining the good will of these Indians, which Providence hath put into our hands, and wherein ye French could not possibly rival us if we made a right use of our advantage, and that is the furnishing of them at honest and reasonable prices with the several European commodities they may have occasion for; but even this particular from the unreasonable avarice of our Indian traders, and the want of proper regulations, has turn'd to our detriment, and instead of gaining us friends, has very probably created us many enemies. But as we are intirely of opinion that the Indian trade, if fairly carried on, would greatly contribute to the increase of your Majesty's power and intrest in America; we should humbly propose, that the same may be put under as good regulations as ye nature of the thing will admit; for on the succesful progress of this trade, the inlargement of your Majesty's Dominions in those parts doth almost intirely depend; in as much as all the settlemnts. that may at any time hereafter be made beyond the mountains, or on ye lakes, must necessarily build their hopes

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of support much more upon ye advantage to be made by the Indian trade, than upon any profits to arise from planting at so great a distance from the sea. This trade then ought by all possible means to be encouraged, it ought to be equally free in all parts to all your Majesty's subjects in America ; and all monopolies thereof discouraged, that no one colony or sett of people whatsoever may engross the same to the prejudice of their nei'ours. All your Majesty's Governors in their respective governments should use their utmost endeavours to prevent the traders from imposing upon the Indians, upon complaint of any injusticee done them cause satisfaction to be made, and upon all occasions shew the utmost resentments against the offenders. And that your Majesty's subjects may be the more easily induced to extend this trade as far westward, upon the lakes and rivers behind the mountains as the situation and ability of the respective colonies will permit ; forts should be built and garrisons settled in proper places, to protect them. It would likewise be for your Majesty's service that the sevl. Governmmts. of your Majesty's Plantations should endeavor to make treaties and alliances of friendship with as many Indian nations as they can, in which treaties all your Majesty's subjects should be expressly included ; all the Indian nations in amity with your Majesty's subjects should, if possible, be reconciled, to each other ; and all traders should be instructed to use their endeavors to convince the said Indians, that the English have but one King and one interest. And if any Indian nation in league or friendship with any of your Majesty's Colonies, should make war, plunder or any way molest any other Indian nation in friendship with the same colony, your Majesty's Govr. should use all possible endeavrs. to oblige the sd. Indians to make satisfaction for their breach of faith to ye party aggrieved. And that all the Governors of your Majesty's Plantations may be informed of the State of every other Government, with respect to the Indians ; it will be necessary that every Governor upon his making any treaty with any Indian nation, should immediately communicate the same to all other your Majesty's governors upon the Continent. We are likewise of opinion that it might be convenient to imitate the French in sending home some chiefs of the most considerable clans or nations to whom they take care to shew the glory and splendor of the French nation in Europe ; that the sd. Indians may upon their return instill the greater respect for them amongst their countrymen. All which particulars would in our humble opinion much conduce to the securing of the natives in your Majesty's intrest, and to the enlargement of your frontiers in America.

In relation to the Government of the Plantations. The laws and constitutions of your Majesty's Colonies are copy'd from those of Great Britain, but fall short of them in many parti-

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culars ; some of which have however from time to time been corrected and amended by your Majesty's instructions to the respective Governors of the different colonies under your Majesty's immediate Government ; and they might be rendered still more perfect if your Majesty's commands met with due obedience in the Proprietary and Charter Governments. This is the great obstacle which has hitherto made it impracticable to put the Plantations in general upon a better foot ; and therefore we shall beg leave to mention some of those inconveniences that have arisen from the large powers and privileges subsisting by virtue of several Charters granted by your Majesty's Royal Predecessors, whereby not only the soil but likewise the dominion or government of several colonies is absolutely alienated from the Crown, to certain Proprietors, who far from employing the said powers and privileges to the use for which they were designed, as we find by former reports from this Board, have frequently refused obedience to such orders as have been given by your Majesty's Royal Predecessors, have broken thro' the laws of Trade and Navigation, made laws of their own contrary to those of Great Britain, given shelter to pirates and outlaws, and refuse to contribute to the defence of the nei'bouring Colonies under your Majesty's immediate government, even in cases of the greatest emergency, altho' they would not have been able to subsist themselves without the assistance of their nei'hours. And altho' in justice to some of the Proprietary Governments, it must be allowed, that they are not all equally involved in this charge, yet certain it is that great inconveniences do arise from so many different forms of governments, and so many different interests on the Continent of America ; nor is it to be expected that either our Indians or European nei'hours, should pay that respect to your Majesty's subjects, which all those who have the happiness to be under your Majesty's protection might otherwise reasonably hope for ; until it shall appear, that all the British Colonies in America hold immediately of one Lord, and have but one joint interest to pursue ; for which reason, and many others, we shall first humbly propose that all the Proprietary Governments should be re-assumed to the Crown, either by purchase, agreement or otherwise, as conceiving this to be one of those essential points without which your Majesty's Colonies can never be put upon a right footing, it might likewise be further observed upon this head, that some of the Proprietary and Charter Governments have shewn too great an inclination to be independant of their mother Kingdom, and have carried on a trade destructive to that of Great Britain, wherein they might undoubtedly be more effectually restrained if they were all of them under your Majesty's immediate government, and were by proper laws compelled to follow the commands sent them by your Majesty ; and it hath ever been the wisdom, not only of

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Great Britain but likewise of all other States, to secure by all possible means the intire absolute and immediate dependancy of their Colonies. On the other hand, it were but just to consider the planters, whatever governments they may live under, as your Majesty's subjects ; and that in all reasonable things not prejudicial to the intrest of Great Britain, they should be favour'd and encouraged, more particularly in the raising of naval stores of all kinds, whereby they may greatly advantage themselves and contribute to render their mother Kingdom absolutely independant of all the Northern Powers, and that their religion, liberties and properties should be inviolably preserved to them. We have already had a very successful proof of what due encouragements produce in the particulars of pitch and tar, which at present are made in as great perfection in your Majesty's Plantations, as in any other part of the world, and in such plenty as will enable us to supply foreign parts, since it hath reduced the common price of those commodities one third of their former cost within the space of a very few years, whereby the importation of pitch and tar from the Baltick is greatly decreased, and much mony saved in the ballance of our trade ; nor is it to be doubted but iron, flax, hemp and all sorts of timber, might likewise be had from your Majesty's plantations, with the same success upon sufficient encouragement, whereby the trade and navigation of these Realms would be highly advanced, and the Plantations diverted from the thoughts of setting up manufactures of their own interfering with those of Great Britain, and from carrying on an illegal trade with foreigners ; but we shall have an opportunity of explaining ourselves more particularly upon this head, in a separate representation to your Majt. relating to such further premiums as we conceive necessary for promoting so useful a design. Your Majesty's revenues arising from the Quit Rents reserved upon grants of land made by your Majesty and your Royal Predecessors, bear no proportion to the extent of your Majesty's territories in America ; for such has been the improvident management in this particular that whole provinces have been granted without any, or upon very small reservations to the Crown, and the Governrs. of your Majesty's Colonies, who are by their commissions and instructions usually impowered to make grants of lands, have frequently abused their authority herein, by making exorbitant grants to private persons, and the small quit rents that have been reserv'd, have not been so punctually collected and accounted for, as they ought to have been ; the registers of such grants being very imperfectly kept, and no due obedience paid to your Majesty's Auditor of the Plantations. There are likewise other abuses practised in the manner of taking up of lands, whereby ye grantees preserve their claim whilst Yr. Majesty is defrauded

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of your quit rents, ye lands remain uncultivated, and the industry of the fair planter is discouraged.

To prevent these abuses it may be necessary for your Majesty's service, that the Governors of your Majesty's colonies on the Continent, should, for the future, be restrained from making grants without reservation of the usual quit rents to your Majesty, and from making any grants exceeding 1000 acres to any person in his own, or any other name in trust for him, and that all grants hereafter to be made should be void, unless the land granted, or at least two thirds thereof, be cultivated within a certain term of years to be fixt for that purpose.

That no person should be allow'd to hold any lands for which a patent hath not been actually pass'd, either under the seal of the respective Plantation, or the great Seal of this kingdom, and that all persons petitioning, for the future, to take up lands, should be obliged, upon allowance of such petition, to pass a patent for the same within the space of six years, and pay the usual duties due thereon to Yor. Majesty ; in default whereof the said allowance to be void and the lands to be grantable to any other person. That an exact register be kept of all grants already made or to be made, that the quit rents arising therefrom be duly accounted for to your Majesty's Auditor of the Plantations ; and that likewise all mony what-soever levy'd in your Majesty's name ; in any of your Majesty's Colonies be accounted for to the said Auditor ; which we the rather mention because some of the northern provinces (particularly that of New York) have of late refused to account with your Majesty's Auditor, for monies raised by their Assemblies ; which is a practise detrimental to your Majesty's authority, and tends to ye shaking of that dependency which they owe to your Majesty and to their Mother Kingdom. The preservation of the woods in America, which hath hitherto been much neglected, is another particular of very great consequence to your Majesty's service ; in as much as the same might prove an inexhaustible store for the Royal Navy of Great Britain. And altho' several Parliaments have been so sensible of the importance of this article, that laws have been made in England for this purpose ; yet the daily complaints from America are a proof how ill these laws are executed, and how little regard is paid to your Majesty's Commission and Instructions to Your Surveyor General of the Woods ; which is not so much to be wondered at, considering the present Surveyor only acts by Depty. no ways qualify'd for that employment, altho' so extensive a trust would require the constant attendance of a capable and well experienced officer, and ought not to be left to the management of a deputy.

But the many inconveniencies that arise from the granting of offices in the Plantations to persons acting by Deputy there, may deserve your Majesty's animadversion ; and we would

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humbly propose that no offices in the Plantations may be granted for the future without an express clause in each Patent obliging the grantee to attend and discharge the duty of his office in person. We beg leave further to observe that the laws at present in force for the preservation of your Majesty's woods, are very defective; for the exception therein made whereby liberty is given for the cutting of timber growing upon the lands of sevl. persons, hath given rise to many pretentions for destroying timber fit for the service of the Royal Navy; wherefore we wou'd humbly propose that further provision should be made, by act of Parliament in Great Britain for ascertaining your Majtys. right to the woods and the boundaries thereof. But the most effectual way to put in execution what we have already offered upon this subject to your Majesty's consideration, and to render the several provinces on the Continent of America, from Nova Scotia to South Carolina, mutually subservient to each other's support, will be to put the whole under the Government of one Lord Lieut. or Captain General, from whom all other Governors of particular provinces should receive their orders in all cases for your Majesty's service, and cease to have any command respectively in such province where the said Captain General shall at any time reside; as is at present practised in the Leewd. Islands, where each island has a particular Govr., but one General over the whole. The said Captain General should constantly be attended by two or more Councillors deputed from each plantation, he should have a fixed salary sufficient to support the dignity of so important an employment, independent of the pleasure of the inhabitants; and in our humble opinion, ought to be a person of good fortune, distinction and experience. By this means a general contribution of men or mony may be raised, upon the several colonies in proportion to their respective abilities; and the utility of this proposal is so evident, that we shall not trouble your Majesty with any further reasons to inforce the same; but in case your Majesty should be graciously pleased to approve thereof, we shall take a further opportunity of explaining in what manner it may best be executed. But we humbly crave leave to inform your Majesty, that it will be further necessary for your service that whoever presides at this Board, may be particularly and distinctly charged with your Majesty's immediate orders in the dispatch of all matters relating to the Plantations, in such manner as the first Commissioner of the Treasury and Admiralty do now receive and execute your Majesty's Commands, with whom the said Captain General, and all other Governors of your Majesty's Plantations, may correspond. We the rather mention this, because ye present method of despatching business relating to the Plantations, is lyable to much delay and confusion; in as much as there are at present no less than three different ways of pro-

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ceeding herein, that is to say, by immediate application to your Majesty, by one of your Secretaries of State; by petition to your Majesty in Council, and by representation to your Majesty from this Board; from whence it happens that no one office is thro'ly informed of all matters relating to the Plantations, and sometimes orders are obtained, by surprize, disadvantageous to your Majesty's service; whereas if the business of the Plantations were wholly confined to one office, those inconveniences would be thereby avoided.

Printed, N.Y. Col. Doc. V. 591-630; and Mich. Pioneer Soc. Coll. xix 1-13; and, in part relating to Carolina, N.C. Col. Rec. II. 418-425; and, in part relating to New Jersey, N.J. Archives, 1st Ser. V. 20. Signed, M. Bladen, E. Ashe, J. Chetwynd, P. Docminique. [C.O. 324, 10. pp. 296-431; and (draft of above report upon Pennsylvania, 3 $\frac{3}{4}$ pp.), 5, 1266. ff. 15, 16.]

Sept. 8. **657.** Council of Trade and Plantations to Lord Townshend. Whitehall. In reply to Aug. 21st, enclose following. *Annexed,*

657. i. *Same to the King.* This Board has always been of opinion, that nothing can be of greater importance to your Majesty's service than ye matter which your Majesty is now pleased to refer to them etc. *Refer to reports on importation of Naval Stores from the Plantations. Continue:* The latter end of 1718, the Board did apply themselves particularly to this subject, when being assisted therein by some of your Majesty's servants from the Treasury, the Admiralty, the Customs and Navy Board, as well as by the advice of the most eminent traders in the several sorts of Naval Stores, it was thought expedient that a Bill should be brought into Parliament for taking off the duty on iron and wood of all kinds imported from the Plantations, and for continuing ye premium upon hemp for 16 years beyond the time already fix'd by Act of Parliament; and a bill for that purpose was brought into Parlamt. accordingly, but some difference in opinion arising about the importation of iron from the Plantations in barrs the bill was dropt. But as we humbly conceive that the said bill only of pigs and sows instead of barrs in the particular of iron might greatly contribute to encrease the importation of Naval Stores of all kinds from your Majesty's Plantations, we would humbly propose that a bill to the same effect may be brought into Parliament the next Sessions. We are also of opinion, that a clause should be added to the said bill giving leave to import all kinds of mineral oars unwrought from the Plantations to Great Britain duty free. But whenever premiums or encourage-

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- ments are given for the importation of any commodity from the Plantations, the same should be placed amongst the enumerated species.
657. ii. Copy of bill entitled an Act *for giving further encouragement for importing Naval Stores*, as passed ye House of Commons and sent up to the Lords in 17^{1/3}. [C.O. 324, 10. pp. 432-435.]
- Sept. 9. **658.** Lord Carteret to the Council of Trade and Plantations. Whitehall. H.M. having been pleased to appoint his Grace the Duke of Portland to be Governor of Jamaica, *you are to prepare draughts of his Commission and Instructions for H.M. approbation etc.* *Signed*, Carteret. *Endorsed*, Reed. 9th, Read 13th Sept., 1721. $\frac{1}{2}$ p. [C.O. 137, 14. ff. 32, 33v.]
- Sept. 9. **659.** Same to the Council of Trade and Plantations. En-Whitehall. closes following for their report. *Signed*, Carteret. *Endorsed*, Reed. 9th, Read 13th Sept., 1721. $\frac{3}{4}$ p. *Enclosed*,
659. i. Governor John Lord Belhaven to the King. By a clause in his Commission Memorialist is empowered to dispose of H.M. lands, not yet granted, at a moderate quit-rent etc. But by the 88th article of his Instructions he is not to encourage any planting nor grant any lands in any of H.M. Islands under his Government, untill he shall receive further orders from H.M. Great improvements may be made in planting spices, indigo etc. "and settling such other Islands within your Memorialist's Government as are yet unplanted particularly in the Island of Tobago to the increase of the trade of yr. Maty.'s Plantations and for the benefit of this Kingdom." *Prays* further orders for encouraging the planting and granting lands and tenements now in H.M. power to dispose of within Memorialist's Government particularly in the Island of Tobago etc. 1 p. [C.O. 28, 17. ff. 179, 180, 182v.]
- Sept. 10. **660.** Governor Shute to Mr. Popple. Encloses Journal of Boston, Representatives of the Massachusetts Bay begun May 31, N. England. 1721, etc. Concludes:—I shall take care that the fees for the last Councillors for New Hampshire shall be paid into the Office so soon as you let me know what they amount to. *Signed*, Samll. Shute. *Endorsed*, Reed. 6th, Read 10th Nov. 1721. $\frac{3}{4}$ p. *Enclosed*,
660. i. Address of the House of Representatives to Governor Shute, 30th Aug. 1721. *Signed*, John Clark, Speaker. $9\frac{1}{4}$ pp.
660. ii. Reply of Governor Shute to preceding. 1st Sept., 1721. $\frac{1}{2}$ small p.

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660. iii. Speech of Governor Shute to the House of Representatives. (? Sept. 1721). 2 pp.
660. iv. Reply of the Representatives to preceding. Sept. 1st, 1721. *Signed*, Elisha Cooke, Speaker *pro tempore*. $2\frac{3}{4}$ pp.
660. v. Reply of Governor Shute to preceding. Sept. 5th, 1721. 1 small p.
660. vi. Copy of Vote of Representatives, and message from the Governor, Aug. 23, 1721. 1 small p.
660. vii. Opinion as to the Governor's power of adjourning the Assembly according to the Charter of the Massachusetts Bay. *Signed*, Robt. Auchmuthy. 1 $\frac{1}{4}$ pp.
660. viii. Act of the Massachusetts Bay *for establishing the form of the writ for calling a General Court etc.* Copy. 1 $\frac{3}{4}$ pp. [C.O. 5, 868. ff. 130, 131v.-137, 139-142, 143, 145-146v., 148v.]

Sept. 12. 661. H.M. Instructions to the Receiver General of the Casual Revenue, Barbados. Copy. 6 pp. [C.O. 28, 44. ff. 7-9v.]

Sept. 14. 662. Lord Carteret to Governor Shute. *Encloses following.*
Whitehall. Concludes: You are to aid Mr. A. Cumings in recovering the pirate goods etc. *Signed*, Carteret. *Annexed*,

662. i. Mr. Burchett to the Secretaries to Lord Carteret. Admty. Office. 14th Sept., 1721. My Lords Commrs. of the Admiralty being informed that there are pirate goods, perquisites of Admiralty, in the hands of several persons in New England, who are not authorized to receive the same, desire Lord Carteret's letter to Govr. Shute to assist Mr. Archibald Cumings, Agent for receiving perquisites of Admty. in New England, in recovering them etc., and in the further execution of his duty. He sails in a day or two etc. *Signed*, J. Burchett. [C.O. 324, 34. pp. 64, 65.]

Sept. 14. 663. H.M. Instruction to Governors and Proprietors of Kensington. the Plantations. Quotes Article III from Treaty with Spain, concluded in June, 1721, as to restoration of goods etc. Continues: And we being desirous that the said Article should be fully and punctually executed and complied with, according to the terms therein expressed, Our will and pleasure is that you cause to be restored all goods, merchandizes, money, ships and other effects, which are remaining of those as aforesaid taken from ye subjects of Spain, and that you do transmit to Us, or to one of Our Principall Secretarys of State an account of what shall have been so restored; and as to such parts of the goods and effects which may have been sold or otherwise disposed of, we do hereby direct you to make a strict enquiry

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thereof, as also of their true value at the time when they were seized, how they have been disposed of, and for what value, that speedy justice may be done to the parties concerned who shall make out their proofs according to the above Article. And whereas on the 18th of Feb. 17^{1/2} a Convention was made at the Hague for a suspension of arms, between Us and His most Christian Majesty on the one part, and His Catholick Majty. on the other, whereby the ships and merchandizes taken from any of the subjects of the three Crowns were agreed to be restored to them, within certain limitations of time and place therein declared, Our further will and pleasure is that you give the necessary orders for the immediate restoring to the proper owners all ships and effects, which shall have been taken since the time limited by the said Convention in the manner above mention'd; provided that such restitution do not extend to such ships or effects as were taken in carrying on an illegal and fraudulent trade, or in committing piracy. And of this part of your proceeding We do likewise direct you from time to time to transmit an account to one of Our Principall Secretarys of State. *Countersigned*, Carteret. [C.O. 324, 34. pp. 65-70.]

- Sept. 14. **664.** Council of Trade and Plantations to Lord Carteret.
Whitehall. Enclose following to be laid before H.M. *Annexed*,
 664. i. *Same to the King.* Enclose following:
 664. ii. H.M. Commission to Henry Duke of Portland to be Governor of Jamaica, revoking that of Sir Nicholas Lawes. *In the usual form.* [C.O. 138, 16. pp. 309-334.]

- Sept. 14. **665.** Order of Council. Approving *preceding.* *Signed*,
Whitehall. Edward Southwell. *Endorsed*, Recd. 23rd, Read 24th April,
1722. 1 p. [C.O. 137, 14. ff. 131, 132v.]

- Sept. 14. **666.** Council of Trade and Plantations to Lord Carteret.
Whitehall. *Reply to 9th Sept. Representation upon settling Tobago.* It would very much conduce to the benefit of this Kingdom if not only Tobago but the other Charibbee Islands were planted and settled. This Island of Tobago is contiguous to the Spanish coast of Venezuela and as well situated for a trade with the Spaniards as any other Island in America, and would, if settled, be a very considerable addition to the strength of the British Colonies and encrease of our trade; wherefore we have no objection to the prayer of the Lord Belhaven's Memorial, provided it be done by the advice of the Council of Barbados, and proper care be taken that this settlement be so restrained as not to interfere with the produce of H.M. Charibbee Islands. We are further of opinion that no grant be made to any of the inhabitants of the other Islands; that no more than 500 acres be granted to any one person or to any in trust for him, and that

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the patentee be oblig'd to cultivate at least one fourth part of the same within the space of three years. That all persons who shall settle there, be effectually restrain'd from planting of any sugars. That as the soil of this Island is very proper for the producing of cocoa anatto and indigo, we should hope the planters would turn their thoughts to the raising these commodities. Our other Colonies not producing any, we are now oblig'd to purchase ye same of the French and Spaniards. As the settling of uncultivated lands is not only a work of time, but of great expence, we humbly propose that the planters who shall come there be exempted from the payment of quit rents for three years from the date of their grants, after which the quit rents to be moderate as in New York or Virginia vizt. at half a crown or two shillings pr. 100 acres. We are further of opinion that after 10 years the planters be obliged to pass the duty of $4\frac{1}{2}$ per cent as in the Leeward Islands and Barbados. [C.O. 29, 14. pp. 246-249.]

Sept. 26.
Whitehall.

667. Order of Council. Confirming alterations in the 62nd and 66th articles of Instructions for Governor Hart concerning the Bishop of London's powers etc., as proposed 8th inst. (v. Oct. 25th). Additional Instructions are to be prepared for vacating the clauses in the Instructions of other Governors. *Signed*, Temple Stanyan. *Endorsed*, Recd. 2nd, Read 3rd Oct., 1721. $1\frac{3}{4}$ pp. [C.O. 323, 8. No. 24; and 5, 191. pp. 125a, 125b.]

Sept. 26.
Whitehall.

668. Order of Council. Approving draught of Commission for Governor the Duke of Portland. *Signed*, Temple Stanyan. $\frac{1}{2}$ p. [C.O. 5, 191. p. 206a.]

[Sept. 26.]
In New
England.

669. Charles Burniston to the Council of Trade and Plantations. Reports information received from his Deputy, Robert Armstrong, that he has seiz'd between 3 and 400 mast-trees, cut down in the King's woods, fit for H.M. service, about two years ago by the connivance of Mr. Bridger etc. *Endorsed*, Recd. 26th Sept., 1721, Read 5th July, 1722. 1 p. [C.O. 5, 868. ff. 268, 269v.]

Sept. 27.
Whitehall.

670. Council of Trade and Plantations to Lord Carteret. Enclose extracts of letters from Governor Sir N. Lawes relating to the disorders and confusion in Jamaica. [C.O. 138, 16. pp. 335, 336.]

Sept. 27.
Whitehall.

671. Lord Carteret to the Council of Trade and Plantations. Upon perusing your Lops. report of the 14th inst. concerning the granting lands in the Island of Tobago, I have thought it might be a question worth your consideration, whether five hundred acres be not more than should be granted to any one

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person, and whether a fourth part of such a number of acres, as shall be granted to any one person, be not more than he can reasonably be supposed to cultivate within the space of three years. I would gladly know your opinion upon these two points, before I receive H.M. further pleasure in this affair. *Signed, Carteret. Endorsed, Reed. 28th Sept., Read Oct. 3, 1721. 1 p. [C.O. 28, 17. ff. 183, 184v.]*

Sept. 29. **672.** Petty Expenses, Postage and Stationer's Account of the Board of Trade from Midsummer to Michaelmas, 1721. *v. B.T. Journal. [C.O. 388, 78. ff. 6, 7, 12-15, 19.]*

[?Sept. 30.] **673.** Extracts from the Instructions of the Governors of New York and Jamaica relating to the licencing of schoolmasters in the Plantations etc. With (?Lord Carteret's) notes. $1\frac{1}{4}$ pp. *[C.O. 5, 1092. No. 20.]*

Sept. 30. **674.** H.M. Instructions to Governor Hart (*cf. 25th Aug.*), Kensington, with Instructions relating to the Acts of Trade and Navigation. *[C.O. 5, 191. pp. 126-206.]*

Without date. **675.** Mr. Cox to the Council of Trade and Plantations. *Encloses Journal of Assembly to "6th instant." Refers to letter of Aug. 29th. Continues:* Your Lordships will perceive by these Minutes with what punctuality I have executed the orders for restoring the Members of Council and all Officers, Civil and Military, and yet how unworthy of H.M. favour the restored gentlemen have behaved themselves; who, instead of a hearty application to H.M. service and the business of their several stations, have fallen into the most unwarrantable outrages, and obstruct not only the affairs of ye Governmt. but the common course of Justice in the Courts they have been restored to be Judges of: But, as by the last advices from England we may reasonably expect my Lord Belhaven in a few weeks, I shall endeavour to keep all things as quiet as possible til His Lordship's arrival, and overlook the madness of these persons so far as is consistent with common justice, and the preservation and honour of the Prerogative etc. No sooner were the orders for restoring these gentlemen arrived, but the restored members of Council industriously spread over the Island a false rumour that I was sent for home, and, being afraid to appear in Britain, had run away to Martinique etc.; and one of them, at the head of the rest, had the ill manners to insult my daughter with the same scandalous story at my own house; and tho' I calmly expostulated with them, and shew'd them the evil tendency of such behaviour to H.M. Commander in Chief, yet my mildness has only encouraged them to proceed to greater lengths; insomuch, that reflecting upon me, and all the Gentlemen in the Island who will not joyn with

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them in their extravagancies, is their daily entertainment. Out of many such insults I could not but take notice of one offered in a very publick Company by one Capt. John Swan, who by virtue of the late Order had been restored to the command of a troop of horse: that Gentleman had the insolence to call me son of a whore, to damn me and my friends for a pack of dogs, and send me a message so very rude that I shall not shock your Lordships with the repetition of it; and yet, when I laid the inclosed deposition before the Council, and afterwards Capt. Swan himself appeared, and could not disown the fact, the Members of Council, upon my asking their opinions refused to advise me to take his Commission from him; and, instead of disountenancing, carried him from the Councel with them to a publick treat. The refusal of the Gentlemen of the Council to joyn with ye Assembly and their declaration that the Excise Bill pass't by this Assembly is no Law, is like to produce very ill effects *etc.* The Excise is the only publick fund we have to subsist the Government with, and therefore the encouraging the merchants not to pay it, alleging that the Act is void, tends to bring us into the utmost confusion, as well as to strip the Government of all subsistence and support. I have laid this before the Council, represented to them the bleeding state of our publick credit, which requires immediate releif; but they are deaf to all importunitys, and obstinately persist in refusing to act at all with this Assemby; nor will they advise me to dissolve it, and call another; from which it is plain their sole aim is confusion; however I am determined to give them no offence but the continuing to exhort them to peace and unanimity, and application to the publick affairs *etc.* Since the restoring of the Judges there has been an universal clamour at their stopping the common course of Justice; but more especially in the Bridge Court, and in Scotland Court, where above two hundred actions have been postponed, contrary to Law, and the peremptory rules of the Court; many of which were against the Judges and their Assistants. Permit me, my Lords, upon this occasion to observe that Edmund Sutton Esq., who is Judge of St. Michaels or Bridge Court, and John Carter Esq., who is Judge of St. Andrews or Scotland Court, do both of them live within the precincts of the Courts they are Judges of, and can only be sued there *etc.* Some years agoe, upon an application to your Lordships' Board against Mr. Downes who was Judge of the Bridge Court and lived in ye precincts your Lordships were pleased to represent to Her late Majesty that it was contrary to the Common Law and practice of England that any man should be Judge of the Precincts where he lived, and to offer it as your Lordships' opinion that the said Mr. Downes should be removed and for the future no person should be Judge of the Precinct where he lived; orders were sent accordingly *etc.*: Pursuant to that Representation *etc.*, I

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thought myself bound in duty to act; and I perswade myself, had it been known in Britain that Mr. Sutton and Mr. Carter were Judges of Courts in their own Precincts, they had been excepted in the Orders for restoring the Officers, especially could the interruption they have given to Justice have been foreseen, or had it been known there are so many suits depending against themselves and their Assistants which they have stop'd process upon; for the doing of which, there are complaints already laid etc. I humbly offer it etc. to your Lordships' consideration, whether the aforesaid regulation ought not to be put in execution, and extended to Assistants, who are in effect as much Judges in all respects (except seniority) as he that is called Judge etc. *Signed*, Saml. Cox. *Endorsed*, Reed. 4th Dec., 1721, Read 11th Jan. 172 $\frac{1}{2}$. *Addressed*. 3 pp. *Enclosed*,

675. i. Deposition of Richard Byrch. 7th Sept., 1721. On Aug. 5th, deponent being at the house of Col. Jaeson drank the health of President Cox, whereupon Capt. John Swan abused him and said " You may tell the President he may kiss my a—— like a son of a whore etc." He afterwards told his negro slave to shoot deponent and struck him etc. *Signed*, Richard Byrch. *Same endorsement*. *Copy*. [C.O. 28, 17. ff. 212-214, 215v.]

Oct. 1. 676. Governor Philipps to the Council of Trade and Plantations. *Acknowledges* letter of 28th Dec. 1720, "for which I returne your Lordships my hearty thanks" etc. Nothing is capable of giveing me more sensible satisfaction than to find that my endeavours for the good of this country have mett with your Lordships' approbation. It was an agreeable surprise to find this place in such a flourishing way much beyond expectation after the disturbance of last year which would have been broke up for good had I not then placed a detachment here, which I have reinforced now with two company's, which I was to have drawne from Placentia, so that my good neighbours at Cape Breton seem to give up their pretention of right: and talk only of it's being a place neutrall. But I must desire your Lordships to look upon it in another view, as the place of greatest cons[equence] in all these parts, not only in respect to the fishery which will exceed everything of that kind that has been known but as the best prospect of setteling the Province, from whence people will by degrees extend themselves along the coast, but this must be the lure and without Cansoe I may denounce the settlement will advance but slowly therefore your Lordships will judge how much this place ought to be encourag'd, and in my humble opinion, nothing will contribute more towards its advancement, than permitting it to be a free port for three or four yeares. My arrival here gave a general joy being taken

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as a good presage of the Government's resolution to assert its right. And to confirme the opinion the more, I have determin'd to pass a bad winter here, without the necessarys of life, which hinders me from being more particular to your Lordships, my papers being left at Annapolis Royal. I must begg leave to remind your Lordships, for the last time, that I remaine under an incapacity to receive familys, and begin the settlement. There are several that offers at this time, but your Lordships, who drew my Instructions knowes the extent of my power *etc.* When the Surveyor shall arrive, it will necessarily take up two or three yeares time before he can make any progress in the buisness, therefore if a reserve (in every settlement to be made) of all woods fitt for the use of the Royall Navy, may not answer the ends of a survey, and save time I submit to your better judgments in the mean time I have made dispositions of small plotts of ground and little rocks or Islands in this harbour for the conveniency of the fishery, which I have promised to confirme. I am in hopes the officer who will have the honour to deliver you this, will be dispached early in the spring with your Lordships Instructions upon every necessary point, *etc.* *Signed,* R. Philipps. *Endorsed,* Reed (from Capt. Henry Daniel), Read 18th April, 1722. 6 pp. [C.O. 217, 4. ff. 45-48v.; and (*abstract, with marginal notes for reply*) 217, 30. p. 15.]

Oct. 3. **677.** H.M. Commission to Governor the Duke of Portland,
Kensington. revoking that of Sir N. Lawes. *Countersigned,* Carteret. [C.O.
5, 191. pp. 207-221.]

Oct. 4. **678.** Council of Trade and Plantations to Lord Carteret.
Whitehall. *Reply to Sept. 27th. q.v.* We have reconsidered our letter of
14th Sept., *concerning Tobago*, and having discours'd with
some persons vers'd in the Plantation settlements, we are of
opinion, First, that no more than 300 acres of land, or less than
15, be granted to any one person, or to any in trust for him,
and that no patentee be allowed to purchase any lands of other
persons more than what shall make ye land he holds by patent
300 acres. And 2ndly, that each patentee be oblig'd to cultivate
every year one acre in every fifty, as is requir'd by the grants
at New York and Virginia, and so in proportion for any quantity.
We must further observe that it will be necessary among other
regulations, that every patentee be obliged for every 40 acres
to keep one white man or two white women, within a year after
the date of their grant, and one white man or two white women
for every 20 acres three years after the said date, as was propos'd
by this Board in their regulations for the settlement of St.
Christophers. [C.O. 29, 14. pp. 244, 245.]

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Oct. 5. 679. [] to Mr. King, a merchant at Bristol. I
Virginia. have long since promised you an account of the management of
affairs etc. Our Governour never yet agreed with any Assembly,
except that one that made the stamping tobacco law, which
gave him all things asked, and he their Agents places to pick
our pockets, but by a good Providence we were delivered from
them at the same time the Nation was from Popery and slavery
on a certain first day of August etc. His high flown principles
and proud ambitious temper has made him treat all other
Assemblyes more like footmen then Representatives of the
body of the country whenever they opposed him which made
the differences run high, and the Council met with the same
treatment, which engaged all people into parties as Court and
Country. To support his cause tooles were pitched to make up
Grand Juries to deliver fulsome Addresses to the Governour and
abuse the Councill and Assembly. The same tooles made
Addresses from the Court and even to engage every barefooted
fellow to signe Adresses from the Counties but all this availed
nothing. Collo. Bird was acting at home for the Assembly,
and Council thought the Governour would never pass a book
of claims from the Assembly that had anything in it given to
Bird. The Lords Orkney Argyle and other great men were
willing to reconcile matters with him, and the Country and
Collo. Bird was to motion the matter and the Governour was
to give up the great points in dispute, and advised by the great
men to part with all but his honour for peace sake, but his
answer to Bird's message was, that his terms were too insolent
to be complyed with, and nothing was talked of but caining and
kicking but all went off with a little short railly when Bird
and he met; His little mistress was just then arrived from an
embassy from Brittain. That he must accept these terms or
out for Coll. Bird had nothing to do but to return and report
his non acceptance of the noblemen's propositions and then
he would be out which made him cloudy for some time but then
he began to play his old game of dissimulation and when they
least thought of it he melted them with a most humble desire
of peace and friendship and would agree with them in all things
and saluted them with a Judas's kiss, and came from the Council
Chamber to the Barr, and saluted Mr. Holloway [*Speaker of
Assembly, ED.*] who had also been his enemy. This humble
disposition was agreeable to all, and there were great rejoicings
etc. throughout the Towne for this sudden and unexpected
reconciliation. The next thing was to get an Assembly of his
old creatures, and then he would not value his new friends again.
The Militia was put into their hands tho' most rank Tories and
enemies to the Government, and Militia Comissions flew about
to every fellow that could make two or three votes and as it
was expressed in one of his letters he gave the power to his
friends to make a discreet use of and indeed never fouler play

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was by men, than at most of our elections but they lost the majority in the house to the Governour's great mortifications etc., and the Militia Officers have ever since plagued the people for it by unavoidable fines, but since he could not get an Assembly of his own it was but playing the same part with them as he had with the Council and cajole them with a fine reconciling speech and assemblies of musick dancing feasting etc. which took and by the help of some of his friends got from them a fine flattering address calling him the great, the good, the just, the wise Governour etc., which he thought bound them and established himself at home. Then he plai'd his game, to monopolise the frontier lands and cheat the Crown. He got them to address the King to send an hundred soldgers to guard the two passes of the mountains, tho' there is no such thing there and to give the right of taking up such lands which is five shillings for every 50 acres, and to give the quit rents for 10 years, also perswaded the Assembly to make the frontiers on our River a new county called Spotsylvania and to give £1000 out of the Treasury to buy armes, build a Courthouse and Church the first of which is in one roome of his owne house, and to cloak this the better another county is to be at the head of James River but as yet is onely in imagination; then he getts the Assembly to make a law for the easie seating and saving such great quantities of land as he intends to have, which is effectually done. When all was secured he prohibits the Surveyors from making surveys for any person, and the lands that he and his Company held before by surveys, as the mine tracts where the iron works are is 19,000 acres, the Alexandrum also his own, the Spotsylvania much greater than the rest is now surveyed to come within the new Law and the bounds extended as farr as they can go for the mountains. A person who knows it well tells me it is 30 miles in length and several in breadth, in all supposed to be 200,000 acres. This amazes the country to see such a cheat upon the Crown, the poor people that would settle it cannot come in, those that has had surveys and better rights has them taken away etc. *Endorsed, Reed.* (from Mr. Gee), Read 9th Jan., 172 $\frac{1}{2}$. 2 $\frac{1}{8}$ pp. [C.O. 5, 1319. No. 12.]

Oct. 5. **680.** Council of Trade and Plantations to Lord Carteret.
Whitehall. Enclose following (v. 23rd Aug.). *Annexed,*

680. i. *Same* to the King. Enclose draught of H.M. Instructions for Lt. Governor Hope. The Instructions "are in the usual form except some alterations made in Articles 9–11, 18–22, 24, 25, 27, 31, 43, 52–54, 68, 69, 81–83, and 89, pursuant to what your Majesty has been pleas'd to approve of in the Lord Belhaven's and Col. Hart's Instructions for which we gave our reasons to your Majesty in a representation of the 8th

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of the last month. We have omitted the latter part of the 26th Instruction which allow'd the Lieut. Govr. to receive rent for a house until one be built for him, because we find that there is now a house built there pursuant to an Act pass'd in those Islands in 1698. In obedience to your Majesty's particular commands signify'd to us by the Lord Carteret's letter of the 6th of the last month we have added at the end of Col. Hope's 27th Instruction a permission for him to receive such addition to his salary as the Assembly there shall think fit to make under the restrictions therein mention'd. And in obedience to your Majesty's further commands signify'd by an Order of Council of the 26th of the last month we have alter'd the 58th and 62nd Instructions relating to the Bishop of London's certificate for Ministers and licences for Schoolmasters pursuant to the said Order. We also take leave to lay before your Majesty the draught of the usual Instructions particularly in relation to the Acts of Trade and Navigation," etc.

680. ii. Draught of H.M. Instructions for Lt. Governor Hope.
 680. iii. Draught of Instructions in pursuance of Acts of Trade and Navigation. [C.O. 38, 7. pp. 390-458 (b)]

Oct. 6. 681. H.M. Warrant for letters patent to William Monk as St. James's. Attorney General at Jamaica and revoking that of Edmund Kelly. *Countersigned*, Carteret. *Copy*. [C.O. 324, 34. pp. 72, 73.]

Oct. 6. 682. Mr. Popple to Horatio Walpole. Upon an Order of Whitehall. of 2nd Oct., Council desires him to move the Lords Commrs. of H.M. Treasury, for 40 copies of the Act for the further preventing H.M. subjects from trading to the East Indies under foreign Commissions etc., to be sent to Governors of Plantations. [C.O. 324, 10. pp. 436, 437.]

Oct. 6. 683. Governor Nicholson to the Council of Trade and Plantations. Refers to letter of 19th July and encloses copy of an Act for recognizing King George, with a list of other Acts and Ordinances past by the Assembly. Continues: One of the Ordinances is for appointing two Agents a copy of which is herewith sent to your Lordships and by these Agents (God willing) will be transmitted to your Lordships the Acts and Ordinances under H.M. Great Seal with the copys of the Journall of both houses and likewise the Journall of the Council and other publick papers which are now prepareing but I meet with a great deal of difficulty in getting persons quallified for writeing. The Agents will have it in their Instructions to wait on your

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Town,
South
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Lordships and receive your commands. They sail the 16th inst. etc., but Capt. Taylor sailing now I thought it incumbent upon me to send your Lordships the enclosed papers by which your Lordships may please to see how we began and ended the Assemble. The copyes of the papers concerning Col. Barnwell the Alatamaha River and Fort King George they will informe your Lordships of the state of that affair and after I have dispatcht the Agents I design God willing to goe to those parts etc. I have not been able (very much contrary to my inclination) to goe three mile out of this town either by land or water etc. Your Lordships will conclud I must have met with a great many difficulties in settling the Governmt., a full account of which will be given your Lordships by Mr. Yonge of what was done in Council, and by Mr. Lloyd of what was done in the Lower House of Assembly etc. Mr. Lloyd was once Secretary to Mr. Craggs in the Post Office etc. 'Tis generally observed that since H.M. hath taken this country and Governmt. it hath been very seasonable weather, but before we arrived they very much wanted rain that made them fear they should have had but mean cropps either of rice or corne and it pleased God that soone after H.M. Commission was published we had a good deale of raine and we ever since have had very fine and seasonable weather now is the rice harvest both rice and corne proves very good and if it please God the weather continues but one fortnight longer the rice will be all in, of which we talk of making 30,000 barrills this harvest, etc. P.S. Landgrave Morton one of H.M. Council dyed about a month agoe. But by the Agents I shall send your Lordships a list of 12 persons fitt to be of H.M. Council. *Signed, Fr. Nicholson.* *Endorsed, Recd. 9th Jan., 1721, Read 17th April, 1722. 3 pp. (Enclosures missing). [C.O. 5, 358. ff. 109-110v.; and abstract, with notes for reply, 5, 406. pp. 3, 4.]*

Oct. 7. **684.** Lord Carteret to Governor Hart. It having been represented to the King, that the losses sustain'd by the inhabitants of Monserrat on account of the descent made by the French in 1712, have in a great manner impoverished and dispeopled the same, many of the sd. inhabitants having been obliged thereby to withdraw their persons and effects, in order to settle in other parts, H.M. being willing to prevent the farther desertion of the inhabitants, and to encourage those, who have already deserted, to return and resettle there, is pleased to declare his intention of using his most earnest endeavours with the most Xtian King that the XIth Article of the Treaty of Utrecht, so far as it relates to the Island of Monserrat may be duly executed, in order to have justice done to the sufferers for their losses occasioned by the above mention'd descent. And to the end this H.M. gracious intention may have a due effect, you are hereby directed to communicate the same

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to the Council and Assembly of the sd. Island, and to make it known in such manner as you shall judge proper, to all other H.M. subjects whom it may concern. *Signed*, Carteret. [C.O. 324, 34. pp. 73-76.]

Oct. 7. **685.** *Same to Same.* It having been represented to the Whitehall, King that the inhabitants of Nevis one of the Leeward Charibbee Islands, suffer great uneasiness on account of a former capitulation between M. d'Iberville and the inhabitants, in 1706, and that they apprehend the demands founded on the sd. Capitulation may be unjustly made upon them by the French; H.M. being willing to remove any such apprehensions from the minds of the inhabitants, and to encourage them to remain in the quiet and peaceable enjoymt. of their possessions in the sd. Island, is pleased to declare His intention of supporting them in their just rights, and of affording them all due succour and protection on account of the abovementioned demands. And to the end this H.M. gracious intention may have a due effect, you are hereby directed to communicate the same to the Council and Assembly of the sd. Island, and to make it known in such manner as you shall judge proper to all other H.M. subjects whom it may concern. *Signed*, Carteret. [C.O. 324, 34. pp. 76, 77.]

Oct. 8. **686.** Order of Council. Approving Instructions for Lt. Whitehall. Governor Hope (v. 5th Oct.). *Signed*, Edward Southwell. *Endorsed*, Reed. 23rd, Read 24th April, 1722. 1 $\frac{1}{4}$ pp. [C.O. 37, 10. No. 23; and (duplicate, signed, Temple Stanyan) 5, 191. p. 307a.]

Oct. 11. **687.** Mr. Cox to the Council of Trade and Plantations. Since Barbados. my last, very little material has happen'd etc., except the following particulars. The restor'd Members of Council still persist in refusing to act with the Assembly etc. I lately received a very flaming complaint against Mr. Sutton in two petitions etc. enclosed, and I order'd it to be heard before myself in Council, that Mr. Sutton might have an opportunity of makeing his defence. But through the artifices of the said Members of Council, they have contriv'd to avoid makeing a Board, though twice specially sumon'd, I have call'd them againe to meet to-morrow etc. I have carefully search'd all the Council Books of Barbados, and cannot find the Order of his late Majesty King William reffer'd to in the 34th clause of my Instructions enter'd therein, and humbly offer it as my opinion that a fresh copy of the said Order be transmitted hither. I must according to the directions in the said 34th clause observe to your Lordships that the makeing indebted persons either Chief Judges or Assistants Judges in the Precints where they live and of course in the Court where they are to be sued is of very ill consequence

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and tends to the obstruction of Justice *etc.* I have received a complaint against William Carter Esq. a Member of Council for threatening as he was a Judge of the Court of Chancery to give a cause against one William Bayley for not voting for ye said Carter's brother. But I have done nothing therein, except ordering Carter to answer it, nor shall I do anything therein but by and with the advice and consent of Council. *Depositions enclosed.* The dayly ill treatment I meet with from the restored Officers makes me impatiently wish for the Lord Bellhaven's arrivall. They indeed report and perhaps may endeavour to raise a clamour in England as if I intended to displace all of them again, and indeed by their conduct they seem to wish for it, and provoke me to do it, But I assure your Lordships I have no such intentions how just so ever my reasons may be, being determin'd so farr as is consistent with the preservation of the Prerogative and the administration of Justice to let them continue not doubting but that my Lord Bellhaven when he finds the Millitia in such a shatter'd condition, and our Courts of Justice compos'd for ye most part of persons of scandalous charracters more in debt then they are worth, will redress these grievances of our poor Country. *Refers to escape of illegal traders.* v. 23rd Aug., "throw the conniveance of the two gunners at Charles Fort whom I have therefore displaced. The conduct of ye Custom House Officer Mr. Gibbes on this occasion gives me just ground of suspect that he was concern'd in that escape, and the Collector Mr. Lascells since his arrival has been so farr from concurring with me in the prosecution, that he does all he can to retard and obstruct it, and refuses to come to me altho' I have sent for him." *Signed,* Saml. Cox. *Endorsed,* Reed. 4th Dec., 1721, Read 11th Jan., 172 $\frac{1}{2}$. 2 pp. *Enclosed,*

687. i. Petition of Joseph Fowle, junr., and Francis Lee to Samuel Cox, President of the Council. Petitioners obtained judgements against William Chearnley, two of whose negroes were sold by auction to Willoughby Duffey. The purchase money was not paid by him within twenty days, according to law, but upon his petition Judge Sutton quashed the outerys and all proceedings thereon on pretence that the said negroes were the slaves of William Chearnley father of sd. Chearnley and therefore first liable to his debts *etc.* Chearnley was only entitled to one third part of his father's estate by his will. The title of the purchaser ought to have been tried by jury, and Scrutton acted *ultra vires*, whilst the purchaser had his remedy in law against W. Chearnley, jr. *Pray for relief.* *Signed,* Joseph Fowle junr., Francis Lee. Ordered to be heard before President and Council at next sitting.

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- Signed, Sam. Cox. 10th Oct. 1721. Same endorsement. 2 $\frac{1}{4}$ pp.*
687. ii. Deposition of John Smith. 11th Oct, 1721. In Aug. 1720 William Carter, then a Member of Council, promised, through deponent, to vote for William Bayly (who married the sister of deponent's wife) at the Council board in his case against James Cecil, if Bayly would vote for John Carter and Thomas Spencer to be Assembymen etc. *Signed, John Smith. Same endorsement. 3 $\frac{3}{4}$ p.*
687. ii. Deposition of Antipas Treasure. 11th Oct., 1721. Deponent heard William Carter threaten William Bayly (*v. preceding*), that he would do his endeavour to put James Cecil into possession of Bayly's land before the time of the election. Bayly answered that he should be a freeholder for all that. *Signed, Antipas Treasure. Same endorsement. 1 $\frac{1}{2}$ p.*
687. iii. Deposition of Mary Tyldesley. 11th Oct. 1721. To same effect as Nos. ii., iii. *Signed, Mary Tyldesley. Same endorsement. 3 $\frac{3}{4}$ p.*
687. iv. Deposition of William Bayly of St. Thomas' parish, planter, 2nd Oct., 1721. Carter (*v. preceding*) said he had served Cecil before and would serve him again etc. Deponent believes Carter bears him ill will, because he always refuses to vote for him and his friends etc. *Signed, Will. Bayly. Same endorsement. 1 p.*
687. v. Petition of plaintiffs in the Court of Common Pleas for the precinct of St. Michael to Saml. Cox, President. In accordance with H.M. Order for restoring officers etc., 28th May, your honour did appoint Edmund Sutton, Chief Judge, and Thomas Dinning, Thomas Maycock and John Boynton and Christopher Fowler to be Assistants of the Court of Common Pleas. Sutton swore Dinning and Boynton, but refused to swear Fowler though the latter offered himself. Maycock being very much in debt and there being several writts against his body did not think fit to appear at the Court. Sutton, Dinning and Boynton had several actions depending in sd. Court agt. themselves, but such of sd. actions as were called were put off for want of a quorum on the Bench etc. Sutton held the Court only a few hours in two of the four days it ought to have been held, so that not above 60 actions were tried, and 400 postponed etc. *Pray for relief. Signed, Jno. Bentley, J. Riddock, Cha. Dundas, Phil. Evans. Endorsed as preceding. 2 pp. [C.O. 28, 17. ff. 216-217v., 218v.-225v.]*

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- Oct. 11. **688.** Lord Carteret to the Council of Trade and Plantations.
Whitehall. You are to prepare an Instruction for His Grace the Duke of Portland agreeable to those which you have already prepared for the present Governors of Barbadoes, the Leeward Islands and Bermuda *etc.* v. 5th July *etc.* *Signed*, Carteret. *Endorsed*, Recd. 12th, Read 27th Oct., 1721. 1 p. [C.O. 137, 14. ff. 44, 45v.; and 5, 1092. No. 24.]

- Oct. 14. **689.** Lord Carteret to the Council of Trade and Plantations.
Whitehall. Having laid before the King your Lops. report of the 14th past *etc.* I am hereby to signify to you H.M. pleasure, that you prepare an Additional Instruction for Lord Belhaven, conformable to the said report, excepting only, that you make such alterations therein, as are proposed in your letter to me of the 4th inst. *Signed*, Carteret. *Endorsed*, Recd. 16th, Read 7th Oct., 1721. $\frac{3}{4}$ p. [C.O. 28, 17. ff. 185, 186v.]

- Oct. 14. **690.** H.M. Commission to Lt. Governor Hope to be Captain
Kensington. of the Independent Company at Bermuda. *Countersigned*,
Carteret. [C.O. 324, 34. pp. 77, 78.]

- Oct. 14. **691.** Mr. Popple to Mr. Burchett. Encloses, for the information of the Lords of the Admiralty, complaints against Capt. Whitney received with Governor Hamilton's letter of 19th May. [C.O. 153, 14. pp. 82, 83.]

- Oct. 16. **692.** Governor Burnet to the Council of Trade and Plantations.
New York. *Abstract.* Encloses with comments 20 acts of New York passed in a sessions begun 16th May and ended 27th July, and Minutes of Council, 21st Dec., 1720–19th Sept., 1721. *Continues:* I come now to give your Lordships an account of my transactions at Albany which have given me no small satisfaction and I hope will not be displeasing to your Lordships. I came to Albany on the 29th of August and ye Indians came thither on 1st September the day appointed which is not usual with them and in greater numbers than have been known for many years. At first in private conferences I expostulated with them about their late engagements with the French. These they imputed to a few ill men among them and the ill effect that false reports spread by the French concerning me, had among the young men but said that was now over, and they were satisfyed that it was all a trick to mislead them against their true interest. I told them that I knew that Cannasora an Onondaga Indian, who has been the most leading man among them and their Speaker for these thirty years, was a French spy and had been the cheif ill instrument among them and desired as a token of their good intentions that they would choose another Speaker, which they readily did; I conversed with some of them every day by an Interpreter and grew so

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well acquainted and familiar with them, that they were never observed to be better pleased and when I was fully informed of their dispositions, I made them my general Speech or Propositions, and they gave me a very satisfactory and hearty answer. *Refers to copies enclosed.* Continues:—And that I might improve their present good humour to the best advantage I have employed the £500 granted this year by the Assembly cheifly to the erecting and encouraging a settlement at Tirand-aquet a creek on the Lake Ontario, about 60 miles on this side of Niagara whither there are now actually gone a company of ten persons with the approbation of our Indians and with assurance of a sufficient number of themselves to live with them and be a guard to them against any surprize, and because the late President of Councill Peter Schuylers son first offered his service to go at the head of this expedition I readily accepted him and have made him several presents to equip him and give him a hansome allowance for his own salary and a commission of Captain over the rest that are or may be there with him and Agent to treat with the Indians from me for purchasing land etc. This company have undertaken to remain on this settlement and that never above two shall be absent at once, and tho' these have the sole encouragement at present out of the publick money yet there is nothing that hinders as many more to go and settle there or anywhere else on their own account as please. This place is undisputedly in the Indians possession and lyes very convenient for all the far Indians to come on account of trade from which the French at Niagara will not easily hinder them because first it must be soon known and is against the Treaty and besides they may easily slip by them in canoes and get to this place before the french can catch them in the pursuit, if they should attempt to hinder them. This my Lords is the beginning of a great trade that may be maintained with all the Indians upon the Lakes and the cheapness of all our goods except powder above the french will by degrees draw all that trade to us, which cannot better appear than by the french having found it worth while to buy our goods at Albany to sell again to the Indians. Wherefore to break that practice more effectually, I have placed a sufficient guard of soldiers on the carrying place to Canada and build a small block house there with the remainder of the £500 before mentioned. As to Niagara I did write to the Governour of Canada to complain of all the unwarrantable steps he has taken, and among others of his erecting a blockhouse at Niagara before the Treaty of limits had setled who it belongs to. I received his answer at Albany in which he flatly denyes most of the facts I complain of. But as to Niagara he pretends possession for above fifty years first taken by Mr. de la Sale. This letter from the Governour of Canada was of great use to me with the Indians, for I made a french Interpretress explain it all to them by which

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they saw that he was obliged to disown all his proceeding with them. And that his pretensions to Niagara as belonging to the French was quite contrary to what Mr. de Longueil sent by the Governour of Canada to treat with them had told them last year, for he acknowledged to them it was their land and that he only desired leave to keep a magazine there to supply them with powder and other necessaries. Upon this occasion the Indians inform'd me that fort Frontenac had been built by the French by meanes of the like pretences formerly, by first erecting a block house on land which they owned to belong to the Indians and saying it was only to be a magazine to supply them with goods and when afterwards the Indians found them fortifying there, they said it was to have a post to defend the 5 Nations from the attempts of some northern Indians who intended to invade them. This they own they were foolish enough to be deceiv'd by thirty years ago but were now resolv'd not to let Niagara be fortified tho' it had been so once already by the French and they had pulled it down. I can not think yt. ye french having been long ago at a place can give them a title to it without the consent of the native Proprietors for it is only *derelicta* that become *primi occupantis* but Niagara and a thousand miles further all round the Lakes, has been all along used by the five Nations as their hunting country after having subdued the old inhabitants, before the french came into America, all which right the five Nations have conveyed to the Crown of Great Britain in these express words in their reply to Lt. Governor Nanfan at Albany, 19th July, 1701, " We do give up and render all that land where the beavor hunting is which we won in war eighty years ago to Coraghkoe our Great King and pray that he may be our Protector and Defender there." And in that very treaty the Indians complain of the French setling at the Detroit between Lake Erie and Lake Huron, as an encroachmt. on the land of their beavor hunting. This title of the 5 Nations or Iroquois as the french call them to the hunting country appears by the maps of the french travellers at Baron La Hontan and Pere Hennepin in those countrys where in several parts it is mark'd *Chasse des Iroquois* and in the late french map of ye Louissiane published in 1718 there is in one place mark'd *Nation detruite par les Iroquois*. I can not see what the French can pretend to invalidate this title, tho' by their unweareid application they have been continually making encroachments on this hunting country of the five Nations and small settlemts. in the best spots of it particularly at *Le Detroit* beforementiond which is the richest spot of all. To shew your Lordships what pains the french take to gain our Indians notwithstanding the Govr. of Canada's protestations to me of the contrary; while I was at Albany there came an Indian express from the Senecas country to his brethren at Albany telling them that there was some french men come to

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their homes to warn and conjure them not to go to Albany, for that I designed to cut them all off, that I might get their land and that if they would have some to go to Albany to let it be only a few old men and that even they would be in great danger of being poysoned, so restless as [?are] the french in these parts but the Indians I am resolved to keep them at a distance for the future, and I hope next year when I have received the King's present that I shall fix what I have now begun on such a foot that the french will not be able to defeat it, wch. makes me beg your Lordships to obtain so necessary a supply for me for it has been a great charge and expence to myself besides the allowance of the Assembly to make a noble present this time because it was necessary etc. I did intend to settle the Palatines in the middle of our Indians, but finding they could not be brought to that I have granted their request to have a licence to purchase of the nearest Indians, the Mohocks, etc., wch. I have yeilded them with this condition that it be not nearer than a fall in the Mohocks River which is forty miles above fort Hunter and four score from Albany by which ye frontier will be so much extended and those people seem very well satisfy'd etc., and as a proof of it, all that did live in a lawless manner before on ye land at Schokery which had been granted to other proprietors have now actually taken leases from them and attorned tenants to them etc. I will at this time only repeat my instances that you will please to obtain the 2 pr. cent. Act to be confirmed, the King's presents for the Indians to be sent and the stores for these garrisons, all which we are in the utmost want of and I hope your Lordships will think so promising beginnings, may deserve a more particular protection and encouragement. *Set out*, Doc. Hist. of New York, I. 289. *Signed*, W. Burnet. *Endorsed*, Recd. 6th, Read 20th Dec., 1721. $13\frac{1}{2}$ pp. *Enclosed*,

692. i. Governor Burnet's speech to the Five Nations of Indians at Albany, 7th Sept., 1721. *Set out*, N.Y. Col. Docs. V. pp. 635-638. *Same endorsement*. $5\frac{3}{4}$ pp.

692. ii. Answer of the Five Nations to preceding. Albany, 9th Sept., 1721. *Set out*, N.Y. Col. Docs. V. pp. 638-641. *Same endorsement*. $2\frac{3}{4}$ pp. [C.O. 5, 1053. ff. 4-10v., 11v.-14v, 15v.]

Oct. 17. 693. Council of Trade and Plantations to Lord Carteret. Whitehall. Enclose following for H.M. approbation. *Annexed*,

693. i. Draught of H.M. Additional Instruction to Governor Lord Belhaven. Whereas by the 88th Article of Our Instructions, you are restrained from granting unto any person or persons any lands which now are or hereafter shall be in our power to dispose of, in any of Our Islands, until you receive Our further orders

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therein. And whereas it has been represented to us by Our Commissioners for Trade and Plantations, that it would very much conduce to the benefit of this Our Kingdom, if not only Tobago, but the other Charibbee Islands were planted and settled. It is therefore Our will and pleasure, and We do hereby give you full power and authority, with the advice and consent of Our Council of Barbados, to make grants of land in Tobago to be pass'd under the seal of Our said Island under the following restrictions *as to planters from Charibbee Islands, number of acres in grant and cultivation of same, obligation to keep white servants, prohibition of planting sugar canes, encouragement of planting cocoa, anatto, and indigo, payment of quit-rents (2/6 per 100 acres), and 4½ per cent. as proposed, 14th Sept. and 4th Oct. supra.* [C.O. 29, 14. pp. 250–254.]

Oct. 20. 694. Robert Armstrong to Charles Burniston, Surveyor General of H.M. Woods. *Refers to letter of 20th Nov. last. Continues:*—Upon my surveying the woods, I find in New-hampshire, there was upwards of 25,000 loggs cutt about one year before I entred upon my post, and that two thirds of said loggs was from upwards of 24 in. to above 30 and 20 ft. long, all cutt into suitable lenghts, and brought down to the severall mills in New Hampr. to be sawed into plank boards, and other timber. *Estimates* that for 20 years where there was one mast sent home by contract for H.M. service there was 500 cutt or destroyed, all or the most part out of New Hampshire *etc.*, and there is likewise some thousands of loggs cutt in the abovesaid woods, much about the same dimentions in order to be brought to the waterside, to be conveyed to the mills. The waste is due partly to the penning of the Acts, and to the Surveyor's receiving money from the loggers *etc.* *Signed,* Robt. Armstrong. *Endorsed,* Reed., from Mr. Burniston, 5th, Read 9th Feb., 17 $\frac{1}{2}$. 3 pp. [C.O. 5, 868. ff. 161–162v.]

Oct. 21. 695. H.M. Instructions to Lt. Governor Hope, with In-
St. James's. structions relating to the Acts of Trade and Navigation. [C.O.
5, 191. pp. 308–353.]

Oct. 25. 696. Council of Trade and Plantations to Lord Carteret.
Whitehall. *Enclose* following for H.M. approbation (v. 26th Sept.).

696. i. Draft of H.M. Additional Instructions to H.M
Governors of New York, N. Jersey, Carolina and
Barbados. Whereas by Our Instructions to you for
the Governmt. of our sd. *Island of Barbados etc.* you
are empower'd by the first part of the 63 Art. thereof
to prefer any Minister to any Ecclesiastical Benefice .

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in that *Island* who produces a certificate from the Right Reverend Father in God the Lord Bishop of London or some other Bishop of his being conformable to ye doctrine and discipline of the Church of England, and of a good life and conversation ; It is nevertheless Our Will and Pleasure that you do not prefer any Minister to any Ecclesiastical Benefice in that *Island* without a certificate from the Right Reverend Father in God the Ld. Bp. of London of his being conformable to the doctrine and discipline of the Church of England, and of a good life and conversation. *Mem.* in margin : Nicholson's Instructions for Carolina dated 27th Sept. 1720 Art. 75 & 79 ; Burnet's for New Jersey, 3rd June, 1720, Art. 76 only ; New York Art. 71 & 75. And whereas by the 67 Art. of Our sd. Instructions you are empower'd to admit schoolmasters coming from this Kingdom to keep school in *Barbados* by virtue of your own licence, in case persons with licences from the sd. Bp. of London shall be wanting there. It is also Our Will and Pleasure that no person be henceforward admitted to keep school in that *Island* without the licence of the said Ld. Bp. of London. *Mem.* There is no such article in the New Jersey Instructions. [C.O. 324, 10. pp. 437-439.]

Oct. 26. **697.** Council of Trade and Plantations to the Lords of the Treasury. *Refer to* letter of 4th Aug. relating to building of new rooms. *Conclude :* Wee now are oblig'd to acquaint your Lordships, that the rain comes in so very much, it will be impossible in a short time for us to sitt in the Office, unless your Lordships shall be pleas'd to give speedy orders for repairing the same, and for building of the rooms mentioned etc. [C.O. 389, 37. pp. 210, 211.]

[Oct. 27.] **698.** Joshua Gee to the Council of Trade and Plantations. Memorial upon the Trade of the Plantations. The Settlement of Plantations and the Act of Navigation have greatly encreased our shipping etc. *Continues :* We have by the favour of our Plantation Trade and Newfoundland Fishery so encreased our shipping and navigation, that we greatly exceed the Dutch shiping in number of tonnage and even in hiring out our ships to frieght etc. We formerly paid the Portuguese and Spaniards 5 or £600,000 yearly for sugar, tobacco, indigo etc., with which we are now supplyd from our own Plantations, over and above what we re-export. We still pay Muscovy, Sweden and Denmark 7 or £800,000 yearly for iron, copper, hemp and flax, boards and timber, which might be plentifully supplyed from our own Plantations, by the labour of our own poor. I don't mention pitch and tar because we are discharged from the yoke we were

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under to the Swedes and Russians for that commodity. And some further care and incouragement from the Government, would put the inhabitants upon raising and providing all the rest of the aforesaid commoditys. For we have an intire forest of 14 or 1500 miles long and 3 or 400 broad, filled with multitudes of trees of all kinds, the country abounding with navigable rivers for bringing down timber *etc.*, with vast quantity of iron mine, and some other mettals, and with extraordinary land for producing hemp and flax, what is wanting is to give proper incouragment to the inhabitants, to begin upon these manufactorys. The merchants are of opinion that taking of all dutys from timber and boards [*imported from the?*] Plantations, will be sufficient incouragment for importing those commoditys ; that granting liberty to import pig or sow iron free from all duty will be sufficient encouragment for that commodity ; that allowing £6 pr. ton upon flax may be [?sufficien]t to encourage the importation of it. But as very little progres has been [*made*] in sowing and raising hemp and as it is impossible to carry on the Navigation of [*Engl*]and without a supply of 7 or 8000 ton of hemp from abroad and the Czar having got all the principal ports from whence we used to be supplied into his own hand, and being a Prince of deep penetration and enquiry *etc.* will doubtless load this commodity with so many difficulties, that we shall not have it otherwise than upon his own terms, and perhaps in his own ships : Therefore 'tis humbly concievied, that the Government ought to take some extraordinary care, to set the people of America before any other imployment whatsoever upon sowing raising and dressing of hemp. If £10 per ton was given by way of bounty, for the term of 7 years, it would be the best money that coud be laid out, for tho' a bounty of £6 per ton has been allowed for 16 or 17 years past, yet it has not produced the importation of one pound in all that time. When the Swedish ports in Livonia *etc.* were open to us, hemp seldom exceeded 20s. pr. hundred, but since those ports came into the Czar's hands, he has found out methods already to make it 7 or 8s. pr. hundred dearer to the consumer. The persons concerned in building and fitting of ships, as well as several merchants, are under direfull apprehensions what the consequence may be, if he should pursue those measures *etc.* It will be nearly 7 years before people can get into a right way of raising any great quantys of hemp, *etc.*, so that the bounty to be given cannot amount to any large sume in that time ; but if by the last year of that terme, they should supply us with 1000 ton, and the Government should distribute £10,000 among our own inhabitants, by way of bounty, it ought not so much as to be named, in comparison of the many hundred thousand pounds, that are paid yearly to the Muscovites *etc.* for naval stores. Altho' our planters are possessed of land, they have wanted seed, some indeed have carried over several

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parcels in order to sow it, but their unskilfulness in the nature of seeds, made their experiments unsuccesful, for they shipt it off, and put it in the hold, where it heated, which rendered it altogether useles, for once heated it will not grow. *Proposes* that 3 or 400 bushels of hemp seed in cask, carried above deck, be given to the most industrious planters etc. As we have made a very great increase of our riches, by the goods [?brought] from our Plantations and re-exported, many true lovers of their country would rejoice to see the other branches of the products of America improved to the same advantages, and after we have supplyed ourselves, then such bulky comoditys as will not bear the roundabout navigation, of bringing home to England and re-exporting to Portugal Spain and the Streights, should be put under such a regulation, that they may become proper merchandize; Now this might be done by taking off all restraints from those comodities, that will not bear the extraordinary charge of bringing home from the place of growth to England, and allowing them to be carryed thither directly, which would employ the national stock, shiping and mariners of this Kingdom, for want of which liberty, we loose the supplying the Streights etc. with rice, sugar, tobacco and a great many other Plantation commodities. *Gives instances.* If our ships were allowed to proceed directly to Spain, Portugal or the Streights, [this King]dom would unavoidably have the further advantage, of becoming the common [?port] for Holland, Hamburgh, the Sound and Flanders, which may be seen by what [is s]aid concerning our Newfoundland shiping; For this Navigation will always supply a number of ships, ready to take in goods, which may carry them for half the freights [?the French] and Hamburgers can send out their ships for and return. Then there must be a restraint laid upon all ships belonging to the subjects of Great Brittain, from loading in the Plantations, and carrying that loading to Portugall etc. and returning back again to the Plantations without coming home for England; this practice has been very prejudicial to our Navigation, and may prove of pernicious consequence in time to Great Brittan, and is the onely thing that can lead the people in the Plantations, into an independency on England. For they carry their lumber fish etc. directly to Spain etc. and there frequently have lodyed for them, French silks, linnens and all other things they want for the conveniencys of life, and England is entirely cut out of the advantage of supplying them. If all ships were obliged to come home to England, and clear out from hence, the produce of all those comodities would be brought home, and laid in English comodities; in short it would put it out of the power of New England, or any other of the Colonies, to beat us out of that trade: For they are now forced to be supplyed with sailors from Europe, they give twice the wages we doe, and their fitting out is near twice the charge of ours,

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which is enough to give us all the advantages we can desire in our Plantation trade, and will soon put an end to the apprehensions we have had, of being injured by the New England ships *etc.* For they will scarcely be able to carry on any other Navigation than coasting it from Plantation to Plantation, and their Fishery, which will be as much our advantage as theirs, for whatever profits they make, will be laid out in our manufactures for their cloathing *etc.* Newfoundland ought not to be considered as a Colony, and therefore should not be laid under any of these restrictions, but esteemed as an English Fishery, carried on by our own ships, and the sailors fed and cloathed with provisions from hence, who all return home at the conclusion of the season, a very few onely excepted, who stay behind to catch seal and divers land creatures for their oyl, and fur, of which a very great advantage is made to this Kingdom, and those that stay behind have their provisions from hence, for besides fish in the season, the Country produces little but rocks and trees.

Several objections have been made against making Naval Stores in our own Plantations, but more especially against our supplying our neighbours with them, but I shall make it appear, that it is greatly the interest of England *etc.* It is objected that if they make iron, they will fall into manufactures, and make nails and other iron wares; To this 'tis answered, that they have had iron works among them for 40 or 50 years past, and have always had Spanish and Swedish iron as cheap to a trifle as we, and in all that time never made anything, but what 'twas impossible to subsist without; tho' they have had abundance of good workmen gone over thither, whose circumstances would not permit them to stay here. The reason is plain, there is so much an easier subsistance to be made, where land is of so smal a value, by a little farme and a smal stock of cattle, that most of them slight manufactures, and even in New England (the poorest of all the Colonies and the fullest of people) those few that do work will have near five times as much for manufacturing nails and other things, as is given for manufacturing in England, which is [?as much] for the bare manufacturing, as 'twould cost to import them ready made from [?England]. It must also be observ'd, that the country abounding with great variety [?of game] fish and fowl, diverts them from manufactures and labour. This plenty [] enclines them to a genteel way of living, and by the help of a gun and tackle, they in a great measure supply their familys with provisions; [? if] they exchange the produce of their farm for clothing, their end is answered: Now if they could have the additional opportunity, of raising hemp and flax, which may in great measure be carryed on by their servants and children, such a rural way of life would be much better accomodated,

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to the inclination of the inhabitants of our Plantations, than the manufactures of England.

The best article they have is shipbuilding, by which they make the greatest returns, which ships when built are sent to Portugal Spain and other parts of Europe, and many of them are sold there. Smiths are required for shipbuilding as well as making horse-shoes and ploughshares *etc.* If they should be deprived of this liberty, 'tis taking away from them that natural right, which never fell upon any people that I have heard of, except the Israelites *etc.* I mention this, because two severe clauses were inserted a bill, brought into Parliament, which 'tis to be feared were thrust into it by the private views of some Ironmasters, who had not consideration enough to think of the true interest of their country *etc.* The fondness of some people to keep in the old track, has caused them to send their emissaries about, and fill Gentlemen with notions, that if we were supplied with boards and timber from America, our Royal Navy would thereby be deprived of a sufficient supply of masts. But the whole supply of the Royal Navy rarely exceeds 300 trees in a year for masts, and what are 300 trees out of a forest 1500 miles long *etc.*? Others object against our supplying our neighbouring Kingdoms with timber, alledging that if we let Portugal and Spain have timber from our Plantations, they will build ships of war, and may in time interrupt our Navigation and Trade. But if we don't supply them, the Dutch will, with as much East Country oak as they can want, which is much better timber for shipping than our Plantations produce *etc., etc.* There is such a propensity in the land of America to run into wood, that ground which has been tilled so long, that it would bear nothing, has within the space of 20 years been loaded with a vast number of trees, many of them about a yard and a half about, 6ft. from the ground. Timber grows there so very quick, that pine and most other sorts are at their full growth in 50 years. As to hemp and flax, the Government may save several times the amount of the bounty proposed by taking off all drawbacks upon goods re-exported to our Plantations. I could never see a reason why the subjects of Great Britain, who have all along paid very great taxes to support the Government, and have been at the expence of Convoys to protect the Plantation Trade, should bear so much, and the Plantations who have never paid any taxes, should not pay the common duties of linnens *etc.* worn in England I doubt there is a great deal of injury done to the trade of England, under cover of this drawback, for several ships, the major part of whose owners live in Holland, are laden with linnens, threads, and other Dutch effects, the master and two thirds of the sailors being English, they come boldly to Cows or some other port in the West, and there enter their goods inwards, and re-export them for our Plantations, thus foreigners run

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away with our trade. The most popular allegation for continuing these drawbacks is, that we ship them off to the Spanish West Indies ; but none of our colonies can pretend to any such traffick, except Jamaica, and there has nothing been done that way of late *etc.* The products of our Plantations being well adapted for the Portugal and Mediterranean market, *proposes* that Gibraltar and Port Mahon be made free ports *etc.* *Sees* no objection to supplying the French Sugar Islands with horses, provisions and lumber from our Plantations, as thereby we become the carriers of their Plantation goods and increase our Navigation *etc.*

Adds a few remarks on some inconveniences attending our settlements occasioned by misunderstandings between the Governours and the Assemblies. The original cause of all which I take to be this : The Governour being generally paid by them, it gives them a handle to take too great libertys : If he refuses to consent to such as they pass, it creates misunderstanding *etc.* If the Governour and Assembly of each Province were obliged to transmit all acts of Assembly home to England, to be approved of by the King and Council, before passed into a law, it would take away the cause of almost all the debates and quarrels that have happened, and prevent the passing a great many laws that are prejudicial not only to the inhabitants of the Plantations but even to those of Great Brittain. When parties run high, we see they have power enough to make laws for persecuting one another, as in the case of Carolina ; to procure laws for a monopoly in trade, adapted to the purposes of particular men, as in the case of the Indian skin trade in Virginia ; and to make laws to destroy marriage settlements, as in the case of Rebecca Richardson in Pensilvania ; to make laws to lay a duty of tonnage upon all English shipping, or upon ships built in the Plantations, the major part of whose owners dwell in England ; which laws I am informed are not onely in force in Pensilvania, but New England, and some other of the Provinces, to the very great discouragement of the Navigation of Old England. *Endorsed*, Reed. 27th Oct., Read 8th Nov., 1721. *Torn.* 10 $\frac{1}{2}$ pp. [C.O. 323, 8. No. 25]

Oct. 27.
Custom ho.,
London.

699. Mr. Carkesse to Mr. Popple. *Encloses following.*
Upon No. v., the Commissioners of Customs are of opinion it would be for the ease of trade and prevent disputes which may happen between officers and merchants, if the fees were accordingly settled. But they doe not think the appointing officers at Newfoundland will answer the end proposed, till a regular Government, and a Court of Admiralty be settled there. *Upon No. ii.*, enquires whether a Court of Admiralty be as yet fix'd at Nova Scotia. *Signed*, Cha. Carkesse. *Endorsed*, Reed. 2nd Nov. 1721, Read 25th May, 1722. 2 pp. *Enclosed*,

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699. i. James Menzies, Judge of the Admiralty, N.E., to H.M. Commissioners of the Customs. Boston, N.E., 25th July, 1717. *Repeats* his Memorial of Aug. 10th, that the jurisdiction and Courts of Admiralty in the Massachusetts Bay, New Hampshire and Rhode Island, are mightily incroached upon by the Judges of Common Law constituted by the authority of the people in this country (except those of New Hampshire who are constituted by the King) and thereby the contravening of the Acts of Trade is encouraged, threatening damage to the trade and manufactures of Great Brittain, and in particular to the woollen manufacture etc. The Judges of the Common Law frequently prohibit the execution of decrees pronounced by me in consequence of the Acts of Trade etc. Instances given etc. *Signed*, James Menzies. *Same endorsement*. *Copy*. $3\frac{3}{4}$ pp.
699. ii. Hibbert Newton, Collector of Nova Scotia, to H.M. Commissioners of Customs. Anapolis Royal. July 23, 1718. Here has been a considerable fishery carried on this year, and I believe our Colony affords one of the finest in the world out of which New England reaps great benefit for returns both to Europe and the West Indies etc. We require in return for what our Colony produces, such commodities as are a great advantage to Great Britain vizt. woollen and linnen manufactures haberdashery and cutlery wares which at present we are supplied with from Boston and do take all the care imaginable that the European commodities are lawfully imported from Great Britain by the produce of a coeqt. from the Custom ho. in Boston for the want of which I made a small seizure etc. As here are no Courts of Admiralty yet fixed I have taken security till the tryall, etc. The goods I seized were upon freight etc. The owners think it a very great hardship, that the sloop should answer for the master's ignorance etc. *Copy*. 1 p.
699. iii. Mr. Armstrong, Collector, Piscataway, to the Commissioners of H.M. Customs. Custom ho., New England. July 19, 1720. I received your letter dated 31st Oct. last but on the 8th instant wherein your Honours desires from time to time to be informed what manufactures of woollen and linnen are begun and carried on in my district. New Hampshire have made but little improvement in their woollens by reason for many years past they have altogether gone upon lumber, Navall Stores etc. But within this three years past there is about 500 Irish Familys come over and settled in and about this province who has put the inhabitants

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here upon improving and making linnen fit for shirting and sheeting and will do the same in the severall Colonys wheresoever they settle (both as to linnen and woollen). *Refers to report and proposals by himself in 1709. Continues:* It would have been of great advantage to the Crown to have had our Navall Stores from New England in exchange for our own woollen manufactures, which was proposed severall years agoe by Sr. Mathew Dudley and others. But since that matter met with such various sorts of obstructions at home and being so often and to no purpose recommended and earnestly sollicited by gentlemen sensible of, and for the true interest of England, had that matter been then obtained it would timely have prevented the severall Colonys from raising and improving their woollen manufactures which they have now brought to great perfection both as to goodness and quantity. Several thousand poundsworth of stuffs and druggetts, made in the severall Colonys are sold in the shops at Boston. And since New England is capable of producing their own manufactures as woollen, linnen, iron, copper and raising of Navall Stores, and they are now fully bent that nothing shall divert them from it, that I presume in a few years they will set up for themselves independent from England. In 1717 I made a seizure of a sloop load of wooll, imported from one Plantation to another contrary to the Act of 10th and 11th K. Wm. and the same was adjudged a lawfull seizure and the wool and vessel condemned according to law and a decree given for sale of the same. Upon which the Courts of Common Law here entred a prohibition agt. the Judge of the Admiralty not to enter upon such actions (as not being cognizable) in his Court. So by this means all our suites will be stopt if these prohibitions be allowed, for its only from the jurisdiction and authority of that Court the officers can be supported for H.M. service. I am humbly of opinion that there is an absolute necessity of having that Act more fully explain'd at home and that it may be in the power of the Courts of Admiralty in the Plantations fully to determine that matter otherwise the seizing of wool here will be to no effect, and they will still be encouraged to transport wooll from one Colony to another, which will unavoidably enable them to make greater quantities of woollen manufactures. The greatest stocks of sheep are raised to the southward vizt. in the Massachusetts Goverment, Rhode Island and Connecticut, and I am credibly informed there is

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upon three or four islands belonging to these Governments above 30,000 sheep besides the vast quantities upon the maine and that the wool from these Islands is yearly transported to the severall Colonys to be manufactured to the great disadvantage of Great Britain etc. *Signed*, Ro. Armstrong. *Same endorsement*. *Copy*. 3 pp.

699. iv. John Jekyll, Collector, Boston, N.E., to *Same*. Aug. 19th, 1720. Reply to enquiries of Oct. 30th. As for the woollens the countrey in generall make it for their own use and weave it commonly themselves, there are some fulling mills and not far from hence are made good druggetts cambletts and serges which are sold to the shops in this town and wore by the meanest and labouring part the tradesmen and mechanicks commonly appear in the produce of Europe. As for the linnens the peasants generally wear what they call homespun, whch. is made of cotton and linnen, and lately some hundreds of familys from Ireland are settled at the Eastward which make very good linnens and diapers. As for the encouragment I only observe this being a Charter Goverment and except our Governour himself, the whole Councill and Assembly are natives of New England and are very willing and inclinable to think themselves independent or at least capable of being so. *Signed*, John Jekyll. *Copy*. 1 $\frac{1}{4}$ pp.
699. v. Extract of letter from Mr. Heatheote, late Surveyor Genll. of the Northern Continent of America. That a table of fees be established upon one equal foot for all H.M. Custom houses on this Continent whch. would put an end to all disputes of that sort and which are chiefly in the Charter Governments, where all officers of the Crowne are look'd upon as a nuisance. That Custom-house Officers be establish'd at Newfoundland that being a door by which abundance of forrn. manufactures and other illegal trade is let into all H.M. Plantacons, not only on this Continent but the West Indies. *Same endorsement*. *Copy*. $\frac{3}{4}$ p. [C.O. 323, 8. Nos. 29, 29. i.-v.]

Oct. 27. 700. H.M. Warrant granting leave of absence from Mont-St. James's, serrat to Lt. Governor Talmash for 18th months. *Countersigned*, Carteret. *Copy*. [C.O. 324, 34. p. 81.]

Oct. 27. 701. H.M. Warrant for the use of a new (silver) Seal of St. James's, South Carolina, the old (leaden) to be defaced and returned as usual. *Countersigned*, Carteret. *Copy*. [C.O. 324, 34. pp. 78-80.]

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- Oct. 28.** **702.** Council of S. Carolina to the Council of Trade and Plantations. The Journals of both Houses of Assembly, the laws there past, and other papers whch. Mr. Lloyd will have the honour to deliver you, and a very great part of our time having been taken up in disputes and settling the Custom House and Court of Admty. affairs, that the Acts of Trade may be duly observed, to prevent the said Court of Admty. and Officers of the Customs from setting up an independant jurisdiction and power from that of the Government which they have pretended to, while we humbly presume it our duty to inspect their behaviour pursuant to H.M. Instructions to the Governour. This, together with the great want of clerks to transcribe papers are the reasons we would not now send yor. Lordps. the Journals of the proceedings of the Councel, how farr we have complyed with H.M. instructions, the names and charracters of those H.E. has honoured by appointing members of H.M. Council and of such as may be proper to fill their places in case of their death or absentee etc. and many other papers, which we hope to do by Mr. Yonge, who being detained by the indisposition of his family we expect will embark for England by the next safe and good opportunity, and fully sattisfy yor. Lordps. in what Mr. Lloyd may be now difficient. The country at present enjoys a perfect tranquillity owing to ye prudent administration of H.E. Genll. Nicholson. *Desire* their Lordships' good offices to him and this Collony etc. *Signed*, Arthur Middleton, P. Concill., Wm. Bull, A. Skene, Char. Hart, Fra. Yonge, Benja. de la Conseillere, Benja. Schenckingh, William Gibbon, Ra. Izard. *Endorsed*, Reed. 9th Jan., 1721, Read 17th April, 1722. 2 pp. [C.O. 5, 358. ff. 111, 111v., 112v.; and, (abstract, with notes for reply) 5, 406. p. 2.]

- Oct. 28.** **703.** Lords Commissioners of the Treasury to the Board of Works, directing them to view the Office of the Lords Commissrs. for Trade, and to return an estimate of repairs and works there absolutely necessary to be done. *Signed*, H. Walpole. [C.O. 388, 78. ff. 1, 2.]

- Oct. 30.** **704.** Mr. West to the Council of Trade and Plantations. Report upon several Acts of Jamaica, 1719-1721. *Signed*, Richd. West. *Endorsed*, Reed. 31st Oct., 1721, Read 6th Aug., 1724. 2 $\frac{3}{4}$ pp. [C.O. 137, 14. ff. 363-364v.]

- Oct. 30.** **705.** Governor Sir N. Lawes to the Council of Trade and Plantations. Our Assembly met on the 17th instant according to prorogation. *Refers to Speech enclosed.* *Continues* :—Altho' I had so earnestly recommended to them the laying aside all former disputes yet the first thing they enter'd upon was to reassume a dispute they had in their former Sessions which ought regularly by the Prorogation to have dropt but the

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spiritts of contention so far prevailed that the members who had signed the paper I mentioned in my last were ordered to withdraw from the House. From such a beginning I have but little hopes of their accomplishing anything I have recommended to them and really my Lords 'tis hardly possible to express the innumerable difficultys H.M. Government here lyes under it has neither mony nor credit. I myself am a year and a quarter in arrears of my salary, many poor people who have just demands on the publick lyes under great hardships for want of their mony nor do I find the Receiver Generall has as yet been able to discharge any part of Lord Hamilton's demand and I cannot flatter myself that this Assembly will reimburse the Treasury and how it shoud be expected I can support the honour and dignity of my character as his Majesty's Governor without either mony or credit I leave your Lordships to judge. I am dayly more and more convinced that there is no bringing these people to a sence of their duty but by settleing H.M. Revenue by Act of Parliament equall to the charge of the Government the necessity of this method I am perswaded must appear to your Lordships now to be absolutely necessary to be put in practice and I wait with impatience for your Lordships answer etc. The Law passed last Sessions *for encouraging the better settleing the East end of this Island* has hitherto had no effect and tho' I recommended to the Assembly to make such alterations as might render it of reall service and advantage to the country yet by their proceedings hitherto I don't find a disposition in them to alter or amend that Law, so that I really cannot press your Lordships to recommend the Act transmitted for the King's allowance especially when considerd that H.M. parts with more in escheats and otherwise than will answer any benefit that is likely to accrue to the country by the Act as it now is etc. *Signed*, Nicholas Lawes. *Endorsed*, Recd. 6th Jan., Read 16th Feb., 1721. 3 pp. *Enclosed*,

705. i. Speech of Governor Sir N. Lawes to the Council and Assembly of Jamaica, 17th Oct., 1721. Recommends the dropping of all disputes; the amendment of Act for settleing the N.E. part of the Island, renewal of Additional Duty Bill and subsistance of H.M. soldiers, and the continuance of the service of the guard sloop etc. *Endorsed as preceding*. Printed. 1 p. Price one ryal.
705. ii. Account of fortifications in Jamaica 25th March–29th Sept., 1721. *Signed*, Richd. Mill, Recr. Genl. 4 pp.
705. iii. Accounts of H.M. Revenue in Jamaica 25th March–29th Sept., 1721. *Signed and endorsed as preceding*. 4 pp. [C.O. 137, 14. ff. 96–98v., 99v., 100v., 101, 102, 102v., 103v., 104v., 105, 106, 106v.]

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Nov. 1. **706.** H.M. Commission to Governor the Duke of Portland St. James's. to be Captain of an Independent Company at Jamaica. *Countersigned*, Carteret. [C.O. 324, 34. p. 82.]

[Nov. 2.] **707.** List of Lt. Governors of Jamaica, 1702–1721. 1 p. [C.O. 137, 51. No. 76.]

Nov. 2. **708.** H.M. Commission to Charles Du Bourgay to be Lt. St. James's. Governor of Jamaica. *Countersigned*, Carteret. *Endorsed*, Recd. 22nd Nov., Read 5th Dec. 1721. *Copy*. 1½ pp. [C.O. 137, 14. ff. 46, 46v., 47v.; and 324, 34. p. 83.]

Nov. 2. **709.** Memorial of the Council of Barbados to the Council Barbados. of Trade and Plantations. The behaviour of Mr. Cox since he was honoured with the trust of Commander-in-Chief has been one continued series of tyranny and oppression etc. So far from obeying H.M. orders for restoring all officers civil and military, he has refused to restore upwards of 100 Justices of the Peace etc., and encourages a parcell of mean fellows his creatures whom he made Justices to insult gentlemen of the best fortunes and distinction in the Island and upon any frivolous pretence to committ some and threaten others to the stocks. Tho' he made a shew of restoring severall officers, yet he no sooner had done so but he immediately turned them out again. In order to defeat H.M. said orders, he has formed severall frivolous complaints against such gentlemen whose places are of any proffitt to make room for his sons in law and accordingly carried on a prosecution agst. the honble. Edmund Sutton, Chief Judge of the Court of Common Pleas for the precinct of St. Michaell, and after he had most vilely proceeded therein by professing himself a party and calling the witness agt. Mr. Sutton our witnesses and the Council employed our Council, and not suffering Sutton or his Council to offer anything in justification of Sutton or against the unpresidened manner of his proceedings, he turned out Sutton and in his place named one of his sons in law Mr. Beckles without the consent and against the advice of the Council. His behaviour to the Council on this and indeed on every occasion is so incredible that did he not glory in it we cou'd hardly hope for creditt. He orders the Council to attend here twice or thrice a week but suffers not one of them to speak or offer his reasons or to give any opinion touching any the matters in debate and should any of them raise the least objection or ask any questions for better information he immediately orders him into custody or threatens to committ him. His treatment of Mr. Ball and Mr. Bond are so notorious that wee presume twill not be denied. He tells the Councill in the most insolent abusive terms they have nothing to do with matters complained of at that Board and therefore are to ask no questions nor give any opinions but

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when he requires it *etc.* He will not suffer any Minutes to be taken but those of his own dictating by which means the Council are represented in the most unjust manner for their reasons and objections by his express commands are misrepresented and his own made to answer his purposes by altering changing and interpolating as the occasion will best suit his designes and to compass his ends herein he has order'd the Depty. Secry. and Clerk of the Council not to attend at that Board, and has appointed one to take the notes or minutes of Council that he may afterwards add or alter at pleasure *etc.* From our opinions and reasons for many years offer'd at this Board and duly entered in the Councill Books, none can think us capable of committing such gross absurditys as he is pleased to charge us with *etc.* But the publick are more nearly concerned in respect as well to their liberty as propertys. For no affair is determined at this Board under the present administration but one or other of the partyes find themselves very much aggrieved in the manner of the President's taking and ordering the Minutes. He forms no other rule than that of gratifying his resentments and malice preferring his creatures and sons in law to all the posts and preferments in the Governmt. and in order thereto to load all those gentlemen that stand in his way with infamy and disgrace. Not a gentleman of the Law dare object to any course or method he proposes to take or even on the justest occasion to speak for their clients without hazarding being committed. The fate of a gentleman whom for no other reason he committed notwithstanding he offer'd any security his Honour shoud require gives them just apprehension, and wee cannot doubt of the like usage to ourselves as he has often threatened if wee in the least by our reasonings offer to controul his most arbitrary designes. His usage of Mr. Carter in forming a prosecution agt. him for a pretended endeavour of his to engage a person's vote for the election of an Assembly man about 15 months agoe, and the inanner of his carrying on the same in order to suspend him will be a notorious instance of his malice, but this affair not being yet determin'd, we shall not further insist upon it *etc.* Pray that no vile misrepresentations from Mr. Cox or his packt Assembly may receive any judgment untill H.M. has given them time to make good their charges *etc.* Signed, Tho. Maxwell, Tho. Maycock, Guy Ball, John Lucie Blackman, Will. Carter, Fra. Bond, John Colleton. Endorsed, Reed. 6th, Read 9th Jan., 1721(2). Addressed. 1 $\frac{2}{3}$ p. [C.O. 28, 17. ff. 206, 207, 207v.]

Nov. 2. 710. Mr. Carter, Attorney General of Barbados, to his
Barbados correspondent, Mr. George Newport, Merchant in London.
Repeats complaints in preceding concerning Mr. Cox's despotic behaviour in Council. "He used threats of imprisonment to Mr. Ball when he insisted upon his right of speaking at the Board;

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and Collo. Bond was ordered to be taken into the custody of the provost marshal as he sat at the Council Board, for asserting his right as a Member there" etc. *Continues*:—Lately he and his creatures caused a petition to be exhibited by four persons against Judge Sutton etc. This petition was ordered to be heard in Council, and Mr. Sutton directed to answer it, accordingly he did prepare an answer in writing, which he delivered in at the Council Board desiring that the same might be read and afterwards entered in the Councill, as the petition against him had been, but instead of suffering that to be done, Mr. Cox snatched up the answer with severall copyes of records which were annexed to it, and put up all safely into his pocket declarling that the answer should not be read, whereupon Mr. Sutton insisted upon having the answer returned to him but all in vain; for Mr. Cox carry'd it home with him, where it remained severall dayes, during which time, he proceeded to examin severall witnesses very unfairly against Mr. Sutton, to matters which were not particularly alledged in the petition, which I objected to, because it was impossible for Mr. Sutton to make a regular defence without knowing what was charged agt. him. But this signified nothing. For Mr. Cox was determined to displace him from his Judgship at any rate, and to that end he afterwards caused Mr. Sutton's answer to be read and immediately upon that delivered in a long replication in writing, at the close of which was a sentence of deprivation against Mr. Sutton without the consent of the Council. My brother William Carter, too, has mett with sad treatment from this Mr. Cox, for some men have mett with encouragement, to swear to words which they say were spoken a year and a half ago almost, by which they would make him to prejudge a cause in Chancery, which is not yet determined. These affidavit men have bin sufficiently confuted by affidavits made by men of good credit and reputation, but yet 'tis thought that Mr. Cox will venture at a suspention. P.S. I give you this account, with a desire, that if the making it known can be of any use, you'l do it. *Signed*, Rich. Carter. *Endorsed*, Reed. Read 9th Jan., 172 $\frac{1}{2}$. *Copy*. 2 pp. [C.O. 28, 17. ff. 208, 208v., 209v.]

Nov. 3. **711.** Governor Burnet to the Council of Trade and Plantations. *Informed* that the 2 pr. cent. Act was very much opposed by the merchants and in great danger of not being confirmed, refers to postscript to letter of 26th Nov. 1720 etc., and adds: (i) By the Act for a revenue passed in 1691 ten pr. cent. was given on goods called Indian goods, specified therein, to be cheifly of English manufacture for 2 years, besides the 2 pr. cent. on all other English goods. (ii-v) By the Acts pass'd, in 1692, and 1693, 1698, 1702, the same dutys were continued at 5 pr. cent. and 2 p.c. to 18th May, 1709, at which time

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the whole Revenue expired *etc.* It is hoped since the additional heavy dutys of 10 per cent. and afterwards 5 per cent. are not now renewed the moderate one of two per cent. will be confirmed. Since the profit of 30 or 40 per cent. is generally made on course goods from Bristol and 20 or 30 on the finest goods from London and that the use of this Act is for the fortifying this Province and securing ye Indians in the British interest, without which is secured the whole beavour trade which is the cheif return for the aforesaid goods will be wholly lost from us to the French which makes it more reasonable that the merchant should bear so small a duty, since the most immediate benefit will accrue to them from it unless they desire rather to trade with the french in Canada entirely for beavor, and to let them have the whole trade of English goods with the Indians which has been too much the practice of late, to the utter ruin of the british interest with the Indians, if it had not been prevented by a seasonable law made at the same time with the aforesaid two per cent. Act *etc.* Signed, W. Burnet. Endorsed, Reed. 18th Dec., 1721, Read 18th May, 1722. 1½ pp. [C.O. 5, 1053. ff. 31–32v., 33v.]

Nov. 7.

Charles
Town,
South
Carolina.

712. Governor Nicholson to the Council of Trade and Plantations. Refers to letter of 6th Oct. repeating part of Oct. 28th. Sends this by Mr. Lloyd *etc.*, 28th Oct. Continues:—I thank God our harvest of rice ended very well and I hope that of Indian corn will do ye same. I do assure yor. Lordps. that I have not been wanting in cost or pains to settle this H.M. Province *etc.* P.S. An Engineer arrived here last week from ye Board of Ordnance he is employed at present in viewing Johnson's Fort and the fortifications of this town but I design next week (if possible) to carry him to the Alatamaha Fort. Signed, Fr. Nicholson. Endorsed, Reed. 3rd Jan., 1721, Read 20th April, 1722. 1¼ pp. [C.O. 5, 358. ff. 113, 113v., 114v.; and (abstract, with notes for reply) 5, 406. p. 2.]

Nov. 8.

Barbados.

713. Mr. Cox to the Council of Trade and Plantations. This ship being the last conveyance I am likely to have for Brittain this year, I have by her transmitted the Minutes of Councill to the 24th of October last which containe all the materiall occurences in this Island since my last. And as it is I hope the last opportunity I shall have as President of Barbados of addressing yor. Lordships, I flatter myself that your Lordships will give me leave to make some reflections on my conduct, which has been so very much mistaken, and so unfairly misrepresented from hence by a set of men who are abandon'd to ye sense of all modesty and shame and whose only support is falsehood and calumny. 'Tis no small mortification to me (My Lords) to be inform'd in general by my enimes that I have incurr'd yor. Lordships displeasure and censure

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unhear'd and without knowing from yor. Lordships or any other person whatsoever what the particular crimes I have been accused of are. If I may be permitted to guess at them from the public prints (for those are the only accounts of particulars which I have) the charges against me are the most abominable groundless falsehoods that ever were invented, and without any manner of foundation. I am not surprised indeed that a sett of men should attack me with falsehoods in England when they have the assurance to do it to my face. But I cannot help being under a great surprize, to find credit given to them, I will say without proof because 'tis impossible to prove them. If I was too hasty in suspending the members of Council at the beginning of my administration, before the spirit with which they attackt me had sufficiently display'd itself in their actions, I perswade myself that their conduct since, will demonstrate even to your Lordships that the suspending them was for H.M. service, and that it was impossible for me any otherwise to administer the Government, or preserve the peace and tranquillity of the Island. And as to the changes I made in the civil and millitary officers, they were not such as was represented to yor. Lordships, they were only restoreing those old experience officers (who had been turn'd out by Mr. Lowther without cause) to their former posts. And I am sure were it possible for yor. Lordships, to comprehend what ye Militia was before, I turn'd out Mr. Lowther's needy officers and what it is since they have been restor'd, with what it was when comanded by the old officers who I restor'd, yor. Lordships would be of opinion that I deserved thanks for the changes I made. I am told that severe clamours have been raised about the election of a new Assembly, and I am at a loss to conceive how I can be affected with them. I had no concern in the elections, but the issueing the writts and issued them according to the laws of this Island, as the Assembly (whom the Law has made Judges of that affair) has determin'd: But as I know not the particulars of the charge either against myself or the Assembly, I shall pass over this head with remarkeing to yor. Lordships, that this Assembly by the election law which they pass't have plainly demonstrated, that they are for having the Assembly chosen by the real and substantiall freeholders, and not by sham votes, and if they have not a majority of the substantiall and bona fide freeholders for them, they have by this law excluded themselves from ever being chosen again. And if they have a majority of the freeholders for them, then they are the majority of the people, and not such an insignificant party as Mr. Lowther and his necescitous faction have most groundlessly represented them. Since my last I have removed Mr. Sutton from being Judg of the Bridge Court, in obedience to my eighth and thirty second Instructions, and in compliance with a Representation of yr. Lordships Board, and her late Majesties Order thereon

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dated ye 20th Aug., 1709. And copies of my reasons are inclosed, and the proofs of them in the Minutes of Council, and other papers herewith sent. The conduct of ye restored Members of Council on this occasion has been so very partial that I cannot give myself leave to doubt, but that yor. Lordships will be of opinion that it deserves censure. It discovers a spirit of party and faction, that shews, that guilt and innocence with them are nothing but being for or agst. them. Their refuseing to agree to ye nomination of any person wt. soever to be Judg, when so many applications were made by the inhabitants who are like to be ruin'd for want of writts, which the Judges here only can test, is such an injury to H.M. subjects that can never be repair'd. I have done all in my power to prevale on them to comply, but in vain, and am at a loss what method to take to prevent the injuries thereby dayly done to H.M. subjects. As to Mr. Carter's affair which yr. Lordships will find in ye Minutes of Council, etc. (v. 11th Oct.), as he has desir'd further time to answer, I shall not say any more of it. In some of the public prints I find the faction have accused me of encouraging the french trade. 'Tis amazing to me that any one that pretends to honour or humanity can advance such absurd lies, the very reverse of which are true. For I have had a more watchfull eye over that trade, and done more to prevent it than any of my predecessors ever did etc. My Lords, since I have been President I have had 18 vessells illegal traders seized, without being one farthing the better for them; for through the artifices of ye Attorney Generall Richard Carter, and the conduct of the Customhouse Officers, after I had order'd lybells in the Admiralty as the Acts of Trade and Navigation directs, the Customhouse Officer Gibbes in whose name they were brought by the advice of the Attorney Genll. as he told me disavow'd those libells, and brought informations in the Exchequer upon a Barbados Law, which gives halfe of the goods and vessel to the informer, and the other halfe to the Treasury here. Whereby I am deprived of one 3d. of ye seizures, which by the Laws of England belongs to me. However this shall not discourage me from doing my duty, But I can't but resent that those very people who are the encouragers of French trade should have the foreheads to accuse me of it. If yor. Lordships would know who are the chief encouragers of it, give me leave my Lords to assure you that they are none but the great factors who have large consignments and who want the french sugars for their cheapeness. But above all Mr. Henry Lascells Collector who by being one of the chiefest shippers of sugars to private persons as well as the King, ships the good sugars received for duty to his private correspondents at high prices, and buys french sugars at low rates and ships to the King for duty, which I am ready to prove upon him. I lately received a letter from the French Generall giveing an acct. of some

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pyrates, and have sent Capt. Brown in the *Feversham* after them, whose ships crew was so sickly that I was forced to supply him with about 50 men, the difficulty of procureing them, and all ships being sickly at one time or other of their being on the station shews the necessity of having two men of warr here. That on any emergency one may be man'd out of the other. *Sign'd*, Saml. Cox. *Endorsed*, Reed. (from Mr. Cooke at Mr. Cowley's agt. Queen Street end, in Windmill Street) 2nd. Read 11th Jan., 172 $\frac{1}{2}$. 3 $\frac{1}{2}$ pp. *Enclosed*,

713. i. Petition of Edmund Duffey, Habbakuk Saer and Willoughby Duffey to Judge Sutton, for quashing the outcry for the sale of negroes, with Judge Sutton's order accordingly. 6th Oct. 1721. (v. No. 687. i.) *Endorsed*, Reed. 2nd, Read 11th Jan., 172 $\frac{1}{2}$. *Copy*. 2 $\frac{1}{2}$ pp.

713. ii. Petition of George Lyte Cooper to Judge Sutton, with order thereupon, *as preceding*. 3rd Oct. 1721. *Same endorsement*. *Copy*. 3 pp.

713. iii. President Cox's reasons for removing Edmund Sutton from being Chief Judge of the Court of Common Pleas of the Precinct of St. Michael, on the 24th Oct., 1721, in Council. (i) By refusing to swear Christopher Fowler to be an Assistant of the Court, he has very much obstructed the administration of Justice; and prevented the tryal of severall actions depending against himself, as well as Mr. Dining, Boynton, etc. (v. No. 687 v.) By not holding a Court on the first day of ye Sept. Court, he prevented and delay'd the administration of Justice to many complainants etc. (ii) He is Judge of the precincts where he lives etc. (iii) By usurping a power to reject Assistants legally commissioned by a President or Commander in Chief, etc., he invades the Royal Prerogative, and is guilty of contempt of and disobedience to H.M. authority. (iv) In assuming to himself a power to vacate sales at outcry on executions, after bills of sale made out, the days of redemption expired and possession given, and to quash levys regularly made by Marshalls upon judgments and executions duly obtained, hath acted arbitrarily and illegally, and in a manner wholly new and unprecedented. (v) He is not qualifield according to H.M. 8th Instruction, being a person necessitous and very much in debt. *Same endorsement*. *Copy*. 1 p. [C.O. 28, 17. ff. 228-229v., 230v.-235v.]

Nov. 9. 714. Mr. Middleton and Col. Moore to the Council of Trade So. Carolina. and Plantations. The pressing affairs of the Province of South Carolina making it necessary to appoint Agents to solicit in

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Great Britain such things as are wanting for the prosperity and well being thereof, the General Assembly have thought fit by an Act to intrust Francis Yonge and John Lloyd Esqrs. in those affairs etc. Beg for their Lordships' countenance and interest etc. Continue:—Wee suppose H.E. General Nicholson has informed your Lordships of the state of this Province, and his steady and wise government having settled peace and tranquility amongst us makes him worthy of our highest acknowledgements, and wee are in great hopes will induce your Lordships to have the greater regard to our Agents, they having H.E.'s approbation and their Instructions received his assent to which we refer your Lordships etc. Signed, Arthur Middleton, P. Concil. ; Ja. Moore Speaker, Dom. Cone. Endorsed, Reed. 9th Jan., Read 20th April, 1722. 1 $\frac{3}{4}$ pp. [C.O. 5, 358. ff. 115, 115v., 116v. ; and (abstract, with notes for reply,) 5, 406. p. 3.]

Nov. 11. **715.** Order of King in Council, approving draughts of St. James's. Additional Instructions to the Governors of New York, New Jersey, Carolina and Barbados relating to the Bishop of London's power of licensing Ministers and Schoolmasters etc. v. 25th Oct. Signed, Edward Southwell. Endorsed, Reed. 23rd, Read 24th April, 1722. $\frac{3}{4}$ p. [C.O. 323, 8. No. 27; and (duplicate signed, Temple Stanyan) 5, 191. p. 353a.]

[Nov. 11.] **716.** Additional Instruction to Governor Lord Belhaven, as preceding. Copy. 1 $\frac{1}{2}$ pp. [C.O. 28, 44. ff. 16, 16v.]

Nov. 11. **717.** Order of King in Council. Approving draught of St. James's. Additional Instruction for Governor Lord Belhaven relating to the settling and planting Tobago etc. Signed, Temple Stanyan. Endorsed, Reed. 28th, Read 29th Nov., 1721. 1 $\frac{1}{4}$ pp. [C.O. 28, 17. ff. 202, 202v., 203v. ; and 5, 191. p. 97a.]

[Nov. 11.] **718.** H.M. Additional Instruction to Governor Lord Belhaven, referred to in preceding. Copy. 3 $\frac{1}{4}$ pp. [C.O. 28, 44. ff. 19–20v.] ; and (draft) 5, 191. pp. 98–100.]

Nov. 17. **719.** Council of Trade and Plantations to Lord Carteret. Whitehall. Enclose extract of Governor Burnet's letter 12th July, with a Memorial delivered to him by Mr. Durand, the bearer hereof etc. As your Lordship will see thereby, he is a person capable of giving information of the transactions between the French and Indians, and as he hath renounced Popery and embraced the Protestant Religion; we take the liberty to recommend him to your Lordship's protection. 2 pp. [C.O. 5, 1079. No. 126 ; and 5, 1124. pp. 270, 271.]

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Nov. 18. **720.** Order of King in Council. Referring following to St. James's, the Council of Trade and Plantations for their report. *Signed*, Edward Southwell. *Endorsed*, Reed. 12th, Read 15th Dec., 1721. 1 p. *Enclosed*,

720. i. Petition of the Jews of Jamaica to [?the *Lords of the Committee of Council for hearing appeals and complaints from the Plantations*]. The said Nation inhabiting there are for the most part trading people, and great promoters towards the enlargement of business, as may appear from the increase thereof, since they have resorted there in greater number, and having for many years lived in Jamaica in enjoyment of the laws and priviledges of the said Island in as full and ample manner as any of H.M. natural born subjects (Assembly and Jurymen only excepted which are places of governing to which they do not aspire) having in all things qualified themselves according to the Act passed for settling the said Island, and according to the Letters Patents granted them by virtue of the said Act, whereby they were to all intents and purposes fully and compleatly naturalized. The said Nation have always demean'd themselves with the greatest fidelity and duty to H.M. and Governmt. having with the greatest readiness according to their duty taken up arms against the French at the time they invaded the said Island, where severall of them were kill'd wounded and taken prisoners. The said Nation have always chearfully contributed to all parish taxes and offices equal with the rest of H.M. subjects, tho' their own poor are wholly maintained by themselves without the least burden to any of the parishes. By an Act passed 10th Nov., 1716, for encouraging of white people in the said Island, a reward is assigned to any white people that shall settle there from any part of Europe or any of H.M. Colonies excepting Jews, Papists and Nonjurors. This distinction most sensibly afflicts them who upon all occasions have distinguished their zeal and affection for H.M. Government that they shou'd be treated as men disaffected to H.M. Royall person and Family. They humbly beseech Your Lordships recommendation that H.M. will protect the Jews dwelling in Jamaica, so as to be continued in their rights and priviledges etc. *Signed*, E. Southwell. *Same endorsement*. Copy. 2 pp. [C.O. 137, 14. ff. 50, 51, 51v., 52v.]

Nov. 20. **721.** Capt. Evans to [?Mr. Popple]. In reply to letter of Angelcourte by Chaire and Crosse 17th, urges the settlement of Sta. Lucia etc. "I have freinds will be adventurers with me in soe great and good an under-
[sic]."

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taking." etc. *Signed*, John Evans. *Endorsed*, Recd. 20th, Read 22nd Nov., 1721. $1\frac{1}{2}$ pp. [C.O. 28, 17. ff. 200, 200v., 201v.]

Nov. 22. **722.** Reasons for taking off the enumeration of rice from Carolina. Rice being a grain ought to be under no more restraints than wheat from the Plantations. All restraints are prejudicial for perishable commodities etc. Rice being enumerated, we lose that trade to Portugal, which might amount to 6000 barrels, now supplied by the Italians, Carolina rice not being able to be carried thither in time for their Lent, and having to be first brought to England, is at the charge of a double freight, and therefore dearer. The export for this year from Carolina was nigh 20,000 barrels, etc. *Endorsed*, Recd. (from Mr. Boon) 22nd, Read 24th Nov., 1721. $1\frac{1}{2}$ pp. [C.O. 5, 358. ff. 89, 89v., 90v.]

Nov. 24. **723.** Lt. Governor Doucett to the Council of Trade and Plantations. Alarmed by certain persons applying for commissions as Lt. Governor of the Province, and Canso, appeals for the Board's protection etc. and refers for his character to enclosed and to Mr. Boscowen, now Viscount Falmouth, who first recommended him to H.M. He is entirely dependant upon his post for support of his wife and six children etc. *Encloses following*. *Signed*, John Doucett. *Endorsed*, Recd. 31st Jan., 172 $\frac{1}{2}$, Read 4th July, 1723. 4 pp. *Enclosed*,

723. i. Petition of Lt. Governor Doucett to the King. Believing that the Province is soon to be settled, and that Annapolis Royal, being out of the way of all trade, will not be the seat of Goverment, there being other places much more commodious on the Eastern coast, *asks* that his Commission may be altered to that of Lt. Governor of Nova Scotia, or Canso etc. *Endorsed*, Recd. 31st Jan., 172 $\frac{1}{2}$. 1 p.

723. ii. Testimonial of Officers and inhabitants of Annapolis Royal to the zeal and integrity of Lt. Governor Doucett. 34 signatures. *Endorsed as preceding*. $1\frac{3}{4}$ pp. [C.O. 217, 4. ff. 183–184v., 185v.–187v., 188v.]

Nov. 24. **724.** Council of Trade and Plantations to Lord Carteret. Whitehall. *Representation upon* petition of Capt. John Evans (v. 20th Nov.) *Represent* our humble opinion, that the planting and settling of Sta. Lucia under proper restrictions and regulations, as hath lately been directed in the case of Tobago might conduce to the benefit of this Kingdom, and in case H.M. should be pleas'd to give orders for that purpose, the Petitioner might deserve H.M. favour for a grant of such part of the said Island as shall be thought a sufficient recompence for his services and losses

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on condition that he shall effectually plant and settle the same within a reasonable time to be limited for that purpose. [C.O. 29, 14. pp. 255-257.]

Nov. 28. **725.** Lord Carteret to the Council of Trade and Plantations. Whitehall. A Commission and Instructions are to be prepared for Henry Worsley, appointed Governor of Barbados *etc.* *Signed*, Carteret. *Endorsed*, Reed. 28th, Read 29th Nov., 1721. $\frac{1}{2}$ p. [C.O. 28, 17. ff. 204, 205v.]

Nov. 30. **726.** Governor and Council of the Bahama Islands to the Council of Trade and Plantations. N. Providence. Having by this opportunity addrest H.M. for an Assembly, we do also humbly entreat your Lordships to use your good offices for us. H.M. having been pleased to send with Governor Phenney several pieces of ordinance and other stores of war, we are under the necessity to confess that the Fort we now have is not capable to mount the guns, and we want power to enact laws to raise funds to rebuild the Fort, and do other publick works absolutely necessary for the general good and support of this Colony. We don't in the least doubt your Lordships' favor and encouragement *etc.* *Signed*, G. Phenney, James Gohier, W. Fairfax, Tho. Walker, P. G. P. Skynner, William Spatchers, Petr. Courant, Joseph Cookes, Tho. Wood. *Endorsed*, Reed. 26th April, Read 1st May, 1722. 1 p. [C.O. 28, 1. No. 41.]

Nov. 30. **727.** Lord Carteret to the Governor of New York. *Encloses following. Continues:* It is H.M. pleasure, that provided the facts be as stated, you forthwith give the necessary orders, that all the effects taken out of the sd. ship and disposed of in any port or place of your Government, or the produce thereof, be delivered to the Agent for the owners and insurers, upon their paying reasonable salvage and charges *etc.*, and in case the said ship, with any of the goods remaining on board, shall be in any part of your Government, you are to order the delivery thereof to the proper owners *etc.* *Signed*, Carteret. *Annexed*,

727. i. Memorial to the Envoy of the States General. The ship *El Puerto del Principe* of Flushing was taken by Roberts the Pirate at Dominica, 29th Jan., 1721, and afterwards brought into Tarpaulin Cove, N.E., by Benjamin Norton of Newport, R.I., who pretends that Roberts took a brigantine from him, and gave him this ship instead. Norton broke bulk at Tarpaulin Cove (a byplace fit for robbery), and in a clandestine manner put a considerable part of her cargo into small vessels, and sent them to sundry ports therewith; some of the cargo he hid in the woods, and some part he left on board. The news thereof coming to the several Governments, and Governor Cranston issuing

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a Proclamation enjoyning all persons, that had any of the effects to bring them to him, some negroes and sugar were brought to him at Newport, a sloop with part of the sd. ship's cargo was seized at New York, another at New London and another at Boston. The ship itself was brought by the *Seahorse* man of war to Boston with a large quantity of sugar on board, and is there seized etc. *Prays for orders that* the ship and effects may be forthwith delivered *as above.* [C.O. 324, 34. pp. 91-94.]

Nov. 30. **728.** Similar letter, with enclosure, to Governor Shute; the Governor and Company of Connecticut; and the Governor and Company of Rhode Island. [C.O. 324, 34. p: 95.]

Nov. 30. **729.** [*? Governor Burnet*] to the Council of Trade and New York. Plantations. There was a Bill which past the Assembly and afterwards was amended by the Council in June last entituled an Act for facilitating the partition of lands in joint tenancy or in common etc. The Surveyor General then gave in a representation to me against this Act as prejudicial to H.M. rights in this Province. And while I was weighing the matter of the Act with the objections to it, I found by the copy of the Laws of this Province printed at London, that an Act for the like purpose past here in Oct. 1718 was repeal'd on July 9th, 1719, tho' it does not appear that H.M. disallowance of it was ever signified to this Goverment. However this seemed to me reason sufficient to withhold my assent to it, till I had received your Lordships directions upon it and because the Surveyor General who was then surveying some lands in Evans tracts desired to inform himself more fully of some particulars that he might make his objections to it in the best manner he could I delay'd transmitting the draft of that Bill till this conveyance. The Surveyor General has now given me a fuller representation upon the same matters, with more particular observations than were mentioned in his former paper. I think these two representations contain so fully the prejudice that may accrue to H.M. Quit-rents in this Province from this Act that I have nothing to add etc. Hoping to receive directions how I am to proceed as to this Bill etc. No signature. Endorsed, Reed. 15th Jan., 1721. Read 18th May, 1722. $2\frac{1}{4}$ pp. Enclosed,

729. i. Act of New York for facilitating the partition of lands in joint tenancy or in common promoting the settling and improving thereof and rendring the payment of the quit-rents due thereupon certain and easy. With amendments made by the Council. Same endorsement.
12 pp.

729. ii. Memorial of Cadwallader Colden, Surveyor General of New York, to Governor Burnet. July 19, 1721.

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Objections to foregoing Act. The bounds of many if not of all the tracts of land granted in joint tenancy, altho' they be very large and contain many thousand acres, were never ascertain'd upon the spot by any Officer of the Crown, but have been left to the discretion of the persons to whom they were granted. I have heard the Receiver General give this as a reason why he could not compleat a rent roll of H.M. quit rents it being impossible for him to find out in what part of the Province many of the patented lands lye. *Proposes* that the survey for the partition of lands to be made by virtue of this Act be enacted to be performed by the Surveyor General or his deputy *etc.* H.M. interests may suffer very considerably if the subjects be allow'd to lay out the lands granted them by patent by such persons as they themselves shall appoint. Many of these very large tracts held in joint tenancy are bounded by lands still in the Crown, the quit-rents of which when granted according to H.M. late Instructions will amount to above a hundred times the value of the quit-rents of the same quantity of land granted before these Instructions. It may therefore justly be fear'd, that if the people be empower'd to lay out these lands for themselves they will encroach upon the adjoining lands of the Crown, *etc.*, and in time it may become the general interest of the inhabitants to defend these acquisitions (for the greater part of the Province is held in joint tenancy) and it may become impossible for H.M. to recover his rights or very inconvenient to endeavour it *etc.* It is not improbable that for these reasons among many others H.M. did on 9th July, 1719, repeal a former Act *for prohibiting the partition of lands etc.* *Signed, Cadwallader Colden. Same endorsement. 5 $\frac{1}{4}$ pp.*

729. iii. *Same to Same.* Nov. 30, 1721. I beg leave to lay some particulars before your Excellency that you may judge how well grounded my apprehensions were (*v. preceding.*) I am not able to lay before your Excellency a perfect account of all the large tracts which may fall under the design of this paper for they were granted without any previous survey and the grantees endeavour all they can to keep them from the knowledge of your Excellency and the King's Officers *etc.* As there was no survey previous to the grant, the Governour did not know what quantity of land he did grant but was grossly imposed upon by the Patentees for their patents either mention no number of acres or a number above 100 times less than what they claim by their boundarys, and this they think

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they have a right to by virtue of the words, *Be it more or less etc.* The patent of Salisbury grants after this manner 400 acres and the Patentees now claim about 70,000 for which they only pay half a bushel of wheat quit-rent. One Lokerman likewise obtain'd a grant for 300 acres by virtue of which he now claims above 10,000. I mention only these because they are well known to many, yet I am assur'd they are not the only such nor the most extravagant *etc.* Altho' this bill doth not give the Patentees in plain terms a power of fixing and settling such boundaries as they please for themselves yet it will have such an effect. For the boundarys of these large patents are expressed in Indian names of hills, rivers or rivolets which are either wholly unknown or known to very few Christians and which the Indians change as often as they change their habitations. These uncertainties which might prove difficulties to other people the Patentees turn to their great advantage by affixing these names to what hills, rivers or rivolets they like best. This they do while these parts are unsettled and few or none to contradict them at least nobody on H.M. part to discover such frauds *etc.* In time it will not be possible to discover ye deceit and by virtue of this bill they would divide these lands and take them into quiet and peaceable possession and in time draw the whole interest of the country on their side so that any remedy may be either dangerous or impracticable to be attempted. That the Patentees have really us'd such frauds is not only probable from the vast disproportion betwixt the quantity of land mention'd in the grant and the quantity they now claim but likewise from the complaint of the Indians everywhere that they are cheated of their lands. For tho' the bounds of the patents are generally express'd in the same words with those in the deeds of sale giv'n by the Indians yet those Indians affirm that they did not sell near the quantity of land which the patentees now claim and they likewise say that the patentees every year claim more than they did in the year preceding. The patent of Waywiando extends above 50 miles in length and pays but a trifling acknowledgement for such a tract yet the Patentees are not contented with this, but have encroach'd 30 square miles upon the lands formerly granted to Capt. Evans since the same was reassum'd by the Crown. The patent of Minisink being of no less extent than theirs has follow'd their example and encroached as much upon the same reassum'd lands in all other place. Mr.

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Faulconnier (the person who drew this bill and us'd all his interest to have it pass) is a joint tenant or tenant in common in several extravagantly large patents of which his share may amount to 400,000 acres *etc.* He has a seventh part of a patent which by the claim of the Patentees contains above 2,000,000 of acres for they extend it from within a mile or two of Hudson's River to Delaware River (which they call the Fishkill) above 60 miles and from that part of Delaware River where there Southerly bounds touch it, to the head of that River encluding the same ye Indians say is near 150 miles. And for this vast tract they only pay £3 a year to the Crown. He is a partner likewise in the Waywiando patent and many other large tracts *etc.*, the bounds of which he has survey'd and extended at his pleasure without any authority from the Government, but clandestinely and without the knowledge of the neighbourhood *etc.* He bought a share in a patent for land of which the patentees did not know where to find the boundarys and therefore neglected it for about twenty years till this year when he without any authority from the Government placed this in the reassumed lands which formerly belong'd to Capt. Evans and (altho' the patent grants only 2000 acres) survey'd out to himself and the other patentees about 10,000 of the best of these lands. He has succeeded so well and so often in the arts of extending boundarys that he boldly ventur'd to put them in practice again in this place, by putting Indian names upon certain places which were never hear'd of by the Christians in the neighbourhood tho' they have liv'd above thirty years within four or five miles of these places. It is of great consequence for the Crown timely to look into the affair of lands here. I have calculated the contents of eight patents according to their present claim and find that if they alone were to pay at the rate all the lands likely patented do, 2/6 per 100 acres, the yearly rent of them would amount to £4176 tho' now they only pay £17 17s. 6d. I believe it will not be impossible to raise from the lands of this Province a sufficient revenue to support the Government without doing injustice or any hardship to anybody but a great deal of justice to the King. Such like deceits did creep into all the Colonys at their first settling tho' I think not in any to such a degree as in this, they did I know into Virginia, and Pensilvania but there the ill effects of them were prevented by the timely care of the officers and a resurvey of the Province. Indeed without a

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survey of this Province it will be impossible to know what lands are patented and what not it will be impossible ever to form a rent-roll or to gather in the quit-rents if a rent roll were form'd, for at present we are very ignorant of the situation of the several parts of ye Province. *Signed, Cadwallader Colden. Same endorsement. 7 $\frac{1}{4}$ pp. [C.O. 5, 1053. ff. 34-35v., 37-42, 43-46v, 47-51v.]*

Nov. 30. **730.** H.M. Additional Instruction to Wm., Burnet, Governor St. James's, of New York, relating to ecclesiastical benefices and school-masters. [C.O. 5, 191. pp. 354, 355.]

Nov. 30. **731.** H.M. Additional Instruction to Governor Nicholson. St. James's. *As preceding. [C.O. 5, 191. pp. 358, 359.]*

Nov. 30. **732.** H.M. Additional Instruction to Wm. Burnet, Governor St. James's, of New Jersey. As preceding, but omitting second paragraph "that no person be admitted to keep school without the licence of the Bishop of London." *Set out, N. J. Archives, 1st Ser. V. 23. [C.O. 5, 191. pp. 356, 357.]*

Dec. 1. **733.** Council of Trade and Plantations to Lord Carteret. Whitehall. Enclose draught of Commission for Governor Worseley, in the same form as that for the late Lord Belhaven etc. *Annexed,*
733. i. Draught of H.M. Commission to Henry Worseley
 "to be Our Captain General and Governor in Chief
 in and over Our Islands of Barbados, St. Lucia,
 Dominico, St. Vincents, Tobago" etc. *Signed, 11th Jan.,*
172 $\frac{1}{2}$. [C.O. 29, 14. pp. 258-279.]

Dec. 2. **734.** Governor Burnet to the Council of Trade and Plantations. I have sent Mr. Kennedy one of the Lieutenants of the Troops here and my adjutant to England in orderto sollicit for two additional companys for to be added to the four now in this Province such a force will be the only effectual security against the designs of the french and the only sure meanes to keep ye Indians true to us, by having numerous garrisons disposed in proper posts in their country. If this is done nothing will be able to defeat the measure I have already taken to settle a trade with the far Nations, which Settlement now lyes exposed to ye French whenever they shall think it worth their while to break their Treaty and destroy it. This is but too much to be apprehended from their former conduct and I hope your Lordships will approve of the meanes I now propose to put us out of all apprehensions. As this was once moved by Brigadier Hunter for much the same reasons and as he is an experienc'd officer and a perfect judge of this affair I have directed Mr. Kennedy to obtain of him ye particular scheme after what manner he

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proposed that the six companys should be regimented *etc.*
Signed, W. Burnet. *Endorsed*, Reed. 15th, Read 18th Jan.

172½. 2 pp. *Enclosed*,

734. i. Account of Stores remaining in H.M. Garrison of New York, Sept. 17, 1720. *Same endorsement*. 1 p.

734. ii. Estimate of stores wanting for H.M. garrisons at New York, Albany and Schenectade (Seanactendy) and Fort Hunter, Dec. 1st., 1721. *Same endorsement*. 1 p. [C.O. 5, 1053. ff. 22, 22v., 23v.,-25.]

Dec. 3.
Whitehall.

735. Lord Carteret to Governor Burnet. The King having been pleased to sign an Instruction not to prefer any Minister to any Ecclesiastical benefice in the Province of New York, without a certificate from the Lord Bishop of London, and not to admit any person to keep school in that Province, without the license of the said Bishop of London, I take this occasion to transmit the same to you. *Signed*, Carteret. *Annexed*,

735. i. H.M. Additional Instructions to the Governor of New York. St. James's, Nov. 30th, 1721. Altering 71st and 75th Articles of his Instructions as described in preceding. *Signed*, G.R. [C.O. 324, 34. pp. 84-86.]

Dec. 3.
Whitehall.

736. *Same to Same.* Encloses similar instruction, as to ecclesiastical benefices only, in relation to the Province of New Jersey. *Signed*, Carteret. *Annexed*,

736. i. H.M. Instruction referred to in preceding. [C.O. 324, 34. pp. 86-88.]

Dec. 3.
Whitehall.

737. *Same to Governor Nicholson.* Encloses Instructions similar to those of the Governor of New York, *supra*. *Signed*, Carteret. *Annexed*,

737. i. H.M. Instructions *ut supra*. [C.O. 324, 34. pp. 88-90.]

Dec. 4.
Treasury
Chambers.

738. H. Walpole to Mr. Popple. Encloses following for the opinion of the Council of Trade. *Signed*, H. Walpole. *Endorsed*, Reed., Read 5th Dec., 1721. *Addressed*. ½ p. *Enclosed*.

738. i. Account of Beaver skins imported and exported, 1715-1720. 1 p.

738. ii. The Hat-Makers Case. The duty of 15½d. upon beaver skins was laid when the value of 20s. per skin. The great importation thereof has reduced it to 4/6 per skin, so that the duty is now 30 p.c. Soon after the Peace of Reswick the French seduced 12 English Hatters, and one Hat-dyer to Paris, and there set up a manufactory of beaver-hats, by which means that mysterious art, heretofore known to the English only,

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did soon spread into other foreign countries, and (besides having their labour cheaper) they drawing back at the Custom-house $13\frac{1}{4}d.$ on every skin exported, enables them to buy their goods at our markets 20 to 25 per cent. cheaper than the British manufacturer can do: which is equal to laying a tax of 20 to 25 per cent. on our own workmen, when the foreigner pays nothing. A still greater advantage arises to the foreigner, by an evil practice introduced a few years since, of carrying very great quantities of beaver-skins from New York, or other Plantations, to Holland directly etc. Pray that the duty may be so alleviated or proportioned, as to set the English manufacturer at least on the same level with foreigners etc. Printed. 1 p. [C.O. 388, 23. No. 74.]

Dec. 8. **739.** Lt. Governor Bennett to the Council of Trade and Bermuda. Plantations. On 24th Sept. I received H.M. mandamus for calling into the Council Hen. Tucker and John and Richd. Jennings, and doe understand yor. Lordps. wants to know what is become of Robt. Burton formerly appointed one of the Council by my Instructions from His present Matie., to which I answer that Robert Burton Esq. died before I received my Commission. Inclosed is an Act of Assembly whereby yor. Lordps. may please to observe in the preamble, there has been two such Acts made laying a duty on all goods imported not belonging to inhabitants (provisions and liquors only excepted) for supplying the deficiency of several funds in these Islands, and for building a house for the present and succeeding Governours. The last of which will expire in May next; and by the act herewith sent it appears there are still deficiencies in answering the intent of the former Act with an addition in the title (vizt.) and repairing the Castle and fortifications, and for defraying the other publick charge of these Islands, which addition almost made it a new bill, and knowing the necessity of the Govermt. incline me to presume so far to pass it as is mentioned after the close of the Act, and doe pray that as soon as convenience will permit it may be laid before H.M. for approbation, and if allowed that I may be advised thereof by the first opportunity, in order to put it in force after the expiration of the former Act without which the Govermt. can not with soe much ease and content be supported, for the trader is noe way hurt he advanceing accordingly on his goods, and the inhabitants can't find fault because they by their Representatives have put it upon themselves: and least this tax may be supposed to amount to more than really it does, on examining the accts I find it has one year with another brought in £162 6s. 8d. two thirds of which has been paid by persons comeing to trade for our platt, which whilst in fashion may produce abt. the same, but when not in demand that fund

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must sink proportionably. My Lds. I am sensible this Act wanted several amendmts. both as to form and wording, but the Assembly being impatient to return to their plantations did by the same Commity that brought it up to me in Council, desire to adjourn to the first Monday in May. In answer to which I said I would let the Speaker know after reading the bill, and upon consulting with the Council about the amendmts. they advised me not to detain the House least something might arise to obstruct it, and cause it to be laid aside till their next meeting, before which time the former Act will expire, besides it was doubted that if delayed it would not be sent up to us again, several of the members being against it; which reasons (and being for the support of the Govermt.) prevail'd on me to proceed in passing it so far as it is, and hope I shall not be censur'd. From Barbados I understand that that coast and Martinique have been infested with five pirate sloops and a brigantine, whom have taken several vessels, and that their place of randevouz was att Sta. Lucea, and that the Governour of Martinique had sent up to the Presidt. of Barbados for the assistance of a man of war etc. Refers to enclosure. Signed, Ben. Bennett. Endorsed, Reed. 24th Jan., 172 $\frac{1}{2}$, Read 13th June, 1722. Holograph. 2 $\frac{1}{2}$ pp. Enclosed,

739. i. Six inhabitants of Bermuda qualified to supply vacancies in the Council:—Capt. Danl. Tucker, John Darrell, Tho. Parsons, Capt. Samll. Rayner, Capt. Geo. Ball, Capt. Jam. Browne. All of good character and estate. Signed, B. Bennett. Same endorsement. 1 p. [C.O. 37, 10. Nos. 27, 27. i.; and (abstract of covering letter), 37, 24. p. 8.]

Dec. 11. 740. B. Wheelock (assistant Secretary, Board of Trade) Whitehall. to Mr. West. Encloses, for his opinion thereupon, the petition of Lewis Piers etc. [C.O. 153, 14. p. 83.]

Dec. 12. 741. Mr. Willard to [?Mr. Popple]. Encloses Minutes Boston. of Assembly of the Massachusetts Bay, 31st May—Aug., 1721, and of Council for half year ending Aug., 1721, Acts passed May—Aug., 1721, Treasurer's accounts and accounts of stores at Castle William. Signed, Josiah Willard. Endorsed, Reed. 31st Jan., Read 13th Feb., 172 $\frac{1}{2}$. 1 p. Enclosed,

741. i. Accounts of Jeremiah Allen, Treasurer and Receiver General of H.M. Revenue within the Massachusetts Bay, 31st May, 1720—1721. £45,500 10s. 1d. The balance of his account discharged by the Assembly, June 22, 1721. Endorsed as preceding. 26 pp.

741. ii. Account of stores of war at H.M. Castle William at Boston. June 24, 1721. Signed, Zecr. Tuthill, Lt. Same endorsement. 1 p.

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741. iii. Account of stores of war expended at Castle William,
24th June, 1720-1721. 1 p. [C.O. 5, 868. ff. 163,
164v., 166-179v., 184v., 185, 186v.-187v.]

- [Dec. 12.] **742.** John Cokburne, a Lord Commissioner of the Admiralty,
Admty.
Office. to the Earl of Westmorland. Upon news of death of Col.
Archbould, recommends his brother to fill vacancy in Council
of Jamaica. *Signed*, Jo. Cokburne. *Endorsed*, Recd. from the
Earl of Westmorland, 12th, Read 13th Dec., 1721. 1 p.
[C.O. 137, 14. ff. 48, 49v.]

- Dec. 13. **743.** Governor Burnet to the Council of Trade and Plantations.
Boston. *Abstract*. Returns thanks for promised representation
on his administration (23rd Aug.). The affairs of the Province
remain as before. Finds that the rebellious conduct of the
Indians mentioned in his last letter was chiefly occasioned by
M. de Vaudreuil permitting, or encouraging Father le Chaise,
and Monsr. Croizéen, a French officer, to come down into H.M.
Government, and there join with Raillée, another French Jesuit,
who constantly resides among the Indians that are in H.M.
territories, who all combined together as incendiaries to persuade
the Indians to commit this insult. These proceedings keep the
Eastern settlements constantly alarmed, and obliges him to
keep troops upon the frontiers, to the great expence of the
province. These proceedings of the French are directly contrary
to the Treaties, and he begs the Board to consider them etc.
Set out, Maine Hist. Soc. Coll. I. 376. *Signed*, Samuel Shute.
Endorsed, Recd. 31st Jan., Read 6th Feb., 17 $\frac{1}{2}$. 2 pp.
Enclosed,

743. i. Account of powder in H.M. Fort William and Mary
at New Castle in N. Hampshire, May 28, 1720-1721,
with a list of stores remaining. *Signed*, J. Wentworth.
Same endorsement. 2 pp.
743. ii. H.M. Additional Instruction to Governor Shute,
27th Sept., 1717, relating to passing Acts affecting
trade or shipping etc. *Same endorsement*. Copy. 1 p.
[C.O. 5, 868. ff. 150, 150v., 151v.-152v., 153v.-154v.]

- Dec. 13. **744.** Council of Trade and Plantations to Lord Carteret.
Whitehall. Enclose following to be laid before H.M. *Annexed*,

744. i. *Same* to the King. Enclose following draught of
Instructions for the Duke of Portland, Governor of
Jamaica, "in the usual form, except some few altera-
tions from the Instructions given to Sir N. Lawes, etc.
vizt., To the 15th Article of Sir N. Lawes' Instructions
relating to the passing of private Acts, we have added
(No. 19), that the Governor take care that in all such
private Acts there be a clause inserted to prevent their
being in force till they shall have receiv'd your Majesty's

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Royal approbation, and that publick notification be made of the parties intention to apply for such Act in the several parish Churches where the premisses in question lye, before the same be brought into the Assembly; which addition your Majesty was graciously pleas'd to approve in the draughts of Instructions for the late Lord Belhaven, etc. *The 21st Article* of the present draught against the passing of Laws whereby bills of credit may be struck or money paid to the Governor or any of the Council or Assembly, without a clause declairing such Acts not to be in force till approved by your Majesty, is new, and agreeable to the Additional Instruction to Sir N. Lawes, which we laid before the late Lords Justices 11th Aug. 1720, pursuant to your Majesty's Order in Council of 19th May foregoing. *The 31st Article* relating to the Duke of Portland's appointments for the Governor of Jamaica, and your Majesty's permission to him to receive such addition as the Assembly there shall think fit to his salary, under the restrictions therein mention'd, is prepared conformable to the Instructions to your Majesty's Governors of Barbados, the Leeward Islands and Bermuda, and in obedience to your Majesty's particular commands (11th Oct. last); except that whereas by the Instructions to the said Governors they are permitted to give their assent to any Act or Acts to be pass'd in the first Assembly after their arrival, for such addition to the allowance for the said Governor's support as the Assembly should think fit to make for the whole time of their Govt., we have in the present draught confined the passing of such Act to the space of a year after the Governor's arrival, as conceiving the same more agreeable to the intent of the said Instruction, since the sitting of the Assembly in Jamaica is not limited, as in some other Governments, to one year only. The latter part of *the 35th Article* after the words, *particular order for that purpose*, is new, and is designed to prevent in Jamaica the same inconveniences and disturbances which have lately happen'd in Barbados from the President of the Council having taken upon him to exercise a very unusual liberty of making as many changes in all offices there, both civil and military, as the Governor himself directly appointed by your Majesty, might have done. *The 59th Article*, is new, and was prepared at the request of the Commissioners of Customs, upon complaint from their officers in the Plantations, that they are frequently obliged to serve on Jurys and to appear in arms, to the hindrance of

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the execution of their employments. *The 63rd and 66th Articles relating to certificates for clergymen, and licences for schoolmasters;* we have altered pursuant to your Majesty's Order in Council, 26th Sept. *The 65th Article* of the Instructions to the late Governor, relating to the entries to be made in all ports of all goods, is omitted in the present draught, as being provided for in the particular Instructions likewise herewith humbly laid before your Majesty, in pursuance of the several Acts of Trade and Navigation, which are in the usual form, except that conformable to your Majesty's Order in Council, 2nd Oct., we have incorporated a clause for preventing any illegal trade which may be carry'd on by ships coming to your Majesty's Plantations from the East Indies. *In the 85th, 86th and 87th Articles* relating to the particular encouragement to be given to the Royal African Company, we have included others H.M. subjects trading to Africa, which your Majesty has been pleased to approve for the Govr. of Barbados and others. And whereas pursuant to an Act of Parliament for the more effectual suppression of piracy, your Majesty has been graciously pleas'd to grant a Commission for trying pirates at the Bahamas Islands, which before [your] Majesty's appointing a Governor of those Islands, were to be try'd by virtue of the like Commission granted to Sr. Nicholas Lawes, we have made the necessary alteration etc. We have inserted in the first place of the Council, the name of Charles Du Bourgay Esq. your Majesty's Lt. Governor, as is done in the Leeward Islands, and Wm. Cockburn in the room of James Archbould decd. etc.

744. ii. H.M. Instructions to Henry Duke of Portland, Captain General and Governor in Chief of Jamaica.
v. preceding, [C.O. 138, 16. pp. 337-400.]

Dec. 14. 745. Order of King in Council. Referring *preceding* to St. James's. the Lords of the Committee for Plantation Affairs for their opinion thereupon. *Signed,* Edward Southwell. *Endorsed,* Reed. 23rd, Read 24th April, 1722. 1 p. [C.O. 137, 14. ff. 133, 134v.]

Dec. 14. 746. Order of King in Council. Referring representation St. James's. of Dec. 1st and draught of Commission for Governor Woresly to the Lords of the Committee for Plantation Affairs for their report. *Signed,* Edward Southwell. *Endorsed,* Reed. 23rd, Read 24th April, 1722. 1 p. [C.O. 28, 17. ff. 264, 265v.]

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Dec. 14. **747.** Mr. Popple to John Moore. The Council of Trade and Whitehall. Plantations desire to know whether you intend to return again to Jamaica, and how soon, as also how long you have been absent. *Similar letter to Samuel Moore.* [C.O. 138, 16. p. 400.]

Dec. 17. **748.** Mr. Popple to Horatio Walpole, one of the Secretaries of the Treasury. Pursuant to the desire of the Lords Commissioners of the Treasury (*v. 4th Dec.*) the Lords Commissioners for Trade *etc.* have considered the case of the Hat-makers and the account of beaver-skins imported and exported Christmas 1715-1720 *etc.*, and have discoursed with several of the said hatters and other dealers in beaver-skins, whereupon their Lordships command me to signify their opinion *etc.*, that the large drawback of $13\frac{1}{4}d.$ for every beaver skin exported (the whole duty on importation being but 15d.) is a great discouragement to our British manufacturers of beaver hats, in regard that foreigners are thereby inabled to buy the said skins so much cheaper, and consequently to undersell us in the markets abroad *etc.* They conceive the drawback should be intirely taken off and the duty of 15d. on importation be reduced *etc.* They are of opinion that the evil practice complained of by the petitioners, of carrying beaver skins directly from the British Plantations to foreign parts, ought to be effectually prevented. [C.O. 382, 28. pp. 101, 102.]

Dec. 18. **749.** Order of King in Council. Approving draught of St. James's. Commission for Governor Henry Woresly. *Signed,* Edward Southwell. *Endorsed,* Reed. 23rd, Read 24th April, 1722. $\frac{1}{2}$ p. [C.O. 28, 17. ff. 262, 263v. ; and (duplicate signed, Temple Stanyan) 5, 191. p. 359a.]

Dec. 19. **750.** Mr. Popple to Horatio Walpole. Applies for 40 Whitehall. copies of 4 Acts of Parliament to be distributed to Governors of Plantations *etc.* *Dated (incorrectly) 1722.* Ed. [C.O. 324, 10. pp. 441, 442.]

Dec. 20. **751.** Council of Trade and Plantations to Governor Burnet. Whitehall. Having been desired by Samuel Pyts and his Lady the Countess of Bellomont, to recommend to you to be assisting to them in obtaining the payment of what shall appear to remain due to her as Executrix of ye late Earl of Bellonmont on account of his Lordship's salary or otherwise as Governor of New York; we could not refuse so reasonable a request and therefore hope you will favour them by knowing of Colo. Depeyster, who we are inform'd has the proper warrants in his hands, the state of that affair and by pressing him or moving the Assembly *etc.* to discharge the debt. 1 p. [C.O. 5, 1079. No. 127; and 5, 1124. pp. 272, 273.]

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Dec. 20. **752.** H.M. Commission to Governor Worsley, revoking St. James's. that of Lord Belhaven. *Countersigned*, Carteret. [C.O. 5, 191. pp. 360-373.]

Dec. 20. **753.** Samuel Cox to Lord Townshend. *Returns thanks* Barbados. for obligations. Is confident that he will be able to justify his conduct to the expected Governor, Lord Belhaven. If he was too hasty in suspending the members of Council, etc., their conduct since they were restored has sufficiently shewn how necessary it was. *Continues* :—Their refusal to suffer the nomination of any Judg of the Chief Court of Common Pleas, when they knew I could not issue a Commission without their consent, whereby the administration of Justice in that Common Law Court was entirely stopt, and all mercantile affairs in confusion and at a stand ; their refusal to let any Court of Grand Sessions be held, in direct defiance of H.M. 42nd Instruction ; their frequent attempts to wrest the Prerogative out of my hands, and claiming the right of doing what the Governr. or Commander-in-Chief is by his Commission and Instructions impower'd to do ; and their refusall to joyn with me on any other terms, or wth. the Assembly at all, in the publick administration (besides the indignities and insults offer'd my person) do now clearly prove that the administration of the Government and the distribution of justice must have been at a stand if those changes had not been made etc. For the last part of my Government I have been a mere cypher in a maner, my hands having been in many things ty'd up by my Instructions to act in the administration, with those who refused to act with me at all, etc., but I can challenge the most malicious to give one single instance of any person injur'd in his property or his liberty. Justice has been as equally and as impartially distributed as in any country on earth, till the restored Councillors obstructed the administration. No one has had any corporal punishment inflicted, nor been so much as imprison'd for the outragious insults against my person and administration. I have forgiven and pas't over them all etc. *Signed*, Saml. Cox. 2 pp. [C.O. 28, 39. No. 9.]

Dec. 20. **754.** Mr. Cox to the Council of Trade and Plantations. Barbados. The unexpected stay of my Lord Belhaven having disappointed my expectations, that I should not have another opportunity of addressing your Lordships etc., I now do myself the honour to acquaint you, that since my last, the insolent behaviour of the restored Members of Council towards me, their resolutions to stagnate all affairs and to stop the administration of publick Justice is demonstrated by every fresh opportunity, as will appear from the Minutes of Council now transmitted, particularly their refuseing to agree to the appointment of any Judg for ye Grand Sessions, in manifest disobedience to my 42nd

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Instruction then communicated to them, altho' their were criminals for murder, and other crimes to have been tried. Mr. Lascells, Collr. of the Customs here, has after siezure discharged and let saile the Sloop *Spy* one Burrows Master, altho' he knew she was under prosecution in H.M. Courts here for breach of the Acts of Trade, and had on board her when siezed severall french sugars, which (she having sailed from this Island without any clearance) had taken in at the french Islands, and unloaded great part of, without entry with me, and at the Customhouse. How far this gentleman's conduct deserves censure, is humbly submitted. I have been lately sensibly mortified with a generall account that I have fallen under your Lordships censure, for several facts contain'd in Mr. Sutton's and Mr. Terrils letters, I have however the comfort to know that those facts are the most monstruous etc. the most ridiculous lyes that ever were invented, etc. *Regrets delay in sending papers owing to the villainy of Mr. Lenoir etc. Continues:* Since I have taken the Council Books into my custody, and at my own private expence made out copies for your Lordships, I have neither been wanting in writeing to your Lordships, nor transmitting ye proper papers etc. I have the further misfortune to find that I have not (ever since I have been President) been favour'd with one single line from yor. Lordships etc. I have been now President of Barbados above a twelvemonth, and notwithstanding that ye parties and divisions (wch. Mr. Lowther left among us and made his faction drink damnation ever to support) have run to so great a hight, yet there is not one single instance of violence, or oppression, or injustice, I challenge the most spitefull, and inveterate of all my enemies to give one single instance of any person injur'd in his property, depriv'd in his liberty, or treated with severity, there has been no imprisonmts., no corporal punishments as in Mr. Lowther's time, nor a fine above five pounds (except one which was £20) for the most dareing and scurrilous insults on the Goverment that can be imagin'd. And yet I have supported ye Prerogative and can with great truth aver that mine has been a just, mild and gentle administration. And however some people may grumble for having been turn'd out of places, which, they neither deserv'd nor were fit for, yet their liberties and properties have never been meddled with. *Encloses Minutes of Assembly to 5th Dec. Signed, Saml. Cox. Endorsed, Recd. Read 15th Feb., 172½. Holograph. 2 pp. [C.O. 28, 17. ff. 247-248, 250, 250v. (with abstract.)]*

Dec. 20. 755. Mr. Cox to the Council of Trade and Plantations.
Barbados. In pursuance of my 29th Instruction, I do myself the honour of acquainting your Lordships that one Mary Haselton of this Island was bound in a recognizance of £100 herself, and £50 each of her securitys, to appear at the then next Quarter Sessions, on pretence of her living incontinently with one John Bently

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Esq., and she being apprehensive of very violent proceedings intended to be had against her by some malicious persons left the Island, by which means her said recognizance became forfeited. But I am by the same Instruction impowered to suspend the payment of any fines and forfeitures till H.M. pleasure be known; which I have accordingly done by that above-mentioned, as well on the consideration that the sd. sum so forfeited must fall on a Gentleman of known loyalty and avow'd affection to the present Happy Establishment, and who has upon all occasions exerted himself for the interest of H.M. in these parts, as for that I don't find any law to punish incontinency in the manner it has been occasionally practis'd here with the utmost partiality, or that gives the Civil Magistrate any cognizance of that crime, otherwise than by securing the Parish where tis committed from any damage that may ensue thereby; which I say not without presuming to assure your Lordships that I have hitherto, and ever shall discountenance the vice as much as lyes in my power, etc. *Signed*, Saml. Cox. *Endorsed*, Reed. Read 15th Feb., 172 $\frac{1}{2}$. 2 pp. [C.O. 28, 17. ff. 245, 245v., 246v.]

Dec. 22. **756.** Lord Carteret to Governor Hart. It having been represented to the King that James Milliken Esqr., Mr. James Gordon and Mr. John Burnet are in possession of that part of the French lands in St. Christophers yeilded to Great Britain by the Treaty of Utrecht by virtue of grants from the Chief Governor there, and have improved the same etc., they are to remain in the quiet enjoyment thereof, till H.M. shall think fit how to dispose of that part etc. In case you have already given any grants to dispossess such persons, you are to recall the same, etc. *Signed*, Carteret. [C.O. 324, 34. pp. 95, 96.]

Dec. 25. **757.** Petty Expenses, Postage and Stationer's Account of the Board of Trade, Michaelmas to Christmas, 1721. The latter account includes £9 for "18 large books of loose papers bound together in vellum att the Office." v. B.T. Journal. [C.O. 388, 78. ff. 8, 9, 16, 17, 20.]

Dec. 26. **758.** Governor Phenney to the Council of Trade and Plantations. *Refers to enclosures.* *Continues*:—The Fort has only two thin stone walls and the interspace fill'd with earth, the bastions are all deformed and falling, the parapets being of plank are most part decay'd, so that it is thought necessary here to have the whole rebuilt, to which purpose the Council and Inhabitants have address H.M. to grant them leave to elect an Assembly in order to raise monys for that and other publick works. The whole people here pray your Lordsp's. assistance that they may have an Assembly which will soon encrease the number of inhabitants and make the Colony flourish. Under the Proprietary Government the Assembly consisted of twenty,

Fort
Nassau in
New
Providence.

1721.

but we hope your Lordsp's. will think it proper to have that number enlarg'd. I am now going to work on a platform for the twenty-four 18 pounders (that came over with me) extending from the Fort to the westward which will make the harbour very secure till we can get the Fort in better order. I am about to form the Militia of which I will do myself the honour to give your Lordsp's. an account by my next. I am getting a general draft of these Islands which as soon as finish'd I will also forward to your Lordships. Samuel Pitt (late Mate of the *Hamilton* a Bristol ship Joseph Smith Commander) with six of the crew came in their longboat from the Havana having the Governor's pass. They were taken the 22d. June last by the *Good Fortune* brigantine Thomas Anstead Commander and Pirate having 18 guns, 60 white men and 19 negroes, 14 leagues west of Jamaica. The sd. pirates fo'cst the second mate and 12 of Smith's men to proceed with them etc. *Signed*, G. Phenney. *Endorsed*, Recd. 26th April, Read 1st May, 1722. 1 $\frac{3}{4}$ pp. *Enclosed*,

758. i. (a) List of Council of Bahama Islands :—James Gohier, William Fairfax, Thomas Walker senr., Charles Wainwright Carrington, Pedro Galfrido Parabow Skynner, Richard Thompson senr., Nathaniel Taylor, William Spatchers senr., Peter Courant, Joseph Cookes, Thomas Wood, Samuel Watkins.

(b) Persons recommended to supply vacancies in Council :—William Jones, John Cockrem, Thomas Barnett, Joseph Hall, Francis Besey, Benjamin Bullock, Richard Thompson junr., Thomas Walker junr., Thomas Spencer, Benjamin Saunders, Thomas Saunders, John Thompson. *Endorsed as preceding.* 2 pp.

758. ii. Minutes of Council of the Bahama Islands, 24th Dec., 1721. Mr. Carrington was suspended from the Council upon the information of Mr. Gohier, that when in England he was in the interest of the Pretender etc. *Endorsed as preceding.* Copy. 4 pp.

758. iii. Minutes of Council of Bahama Islands, 18th—29th Dec., 1721. John Howell, Lt. of the Independant Company, cleared himself of the charge of having been a pirate brought against him by James Gohier and Thomas Walker etc. *Same endorsement.* Copy. 13 pp.

758. iv. Minutes of Council of Bahama Islands, Dec. 1721. Mr. Gohier, one of the co-partners and sole Agent to the rest, exhibited articles against William Fairfax, Judge of the Vice-Admiralty, Collector, and Deputy Secretary, charging him with maladministration as Deputy Governor (i) Governor Rogers, departing without leave, appointed Fairfax Lt. Governor, tho' he had

1721.

no power to do so, and Gohier was President of the Council. By Fairfax's orders troops boarded the *Duck* sloop, belonging to the Bahama Co., and seized 12 barrels of flower. (ii) To disable the Company from recovering their goods, Fairfax by proclamation declared Gohier and the Chief Justice (Walker) enemies to the welfare of this Government. (iii) By Fairfax's orders, soldiers shot and killed stock belonging to Gohier, grazing on the common near the fort. (iv) He forbade the inhabitants to pay the tenth of spermaceti oil and fifth of ambergrise to Gohier as agent to the lessees and took them to maintain the soldiers, as he says; and protecteth himself in these proceedings by force of arms, ever since the 10th of June. He put a stop to the established Courts of Justice, and forbade the publication of the Chief Justice's announcement of their being continued, so that several debtors have gone off the Island in debt to the Company *etc.* v-xi. Other charges, including that of baptizing children. *Reply of William Fairfax.* Refers to Minutes of Council in answer to Nos. i, ii. Denies No. iii. Mr. Gohier and Walker, Factors, denied all relief to the Garrison from the Factory. Fairfax therefore received ambergrise and sperma, as stated, in order to purchase the necessaries for them, *etc.* Same endorsement. 46 $\frac{3}{4}$ pp.

758. v. Copy of proceedings in case James Gohier *v.* Thomas Petty, relating to a demand by the former for a tenth of all oil made from seal, since seal fish was ever esteemed a royal fish within the Bahama Islands. Referred, at the request of the Chief Justice, Thomas Walker, the plaintiff and defendant to the Council of Trade and Plantations, for their judgment thereupon. Same endorsement. 7 pp.
758. vi. Inventory of Stores of War in Fort Nassau on New Providence, 12th Nov., 1721. Signed, John Allen, gunner, Jno. Pennell, Storekeeper. Same endorsement. 3 pp. [C.O. 23, 1. Nos. 42, 42. i-vi.]

Dec. 28. 759. Order of King in Council. Referring to Committee of St. James's. Privy Council, the report of the Board of Trade of 1st Sept. upon the petition of Capt. Gookin (*v.* 8th Jan. 1720). Signed, Edward Southwell. Endorsed, Recd. 23rd, Read 24th April, 1722. 1 p. [C.O. 5, 1266. ff. 31, 32v.]

[?1721] 760. Address of the Governor, Council and Assembly and Inhabitants of South Carolina to Governor Nicholson. Truly sensible of and deeply affected with H.M. great grace and goodness towards us, in sending your Excy. as His Representa-

1721.

tive among us, *etc.*, next to our grateful sense of the King's goodness in taking us under his own immediate protection that of his wisdom in sending your Excellency for our Governor takes place. We rejoice at the extensive latitude of the powers H.M. has honoured you with because they convince us of the great repose and confidence H.M. has in you, and your Excys. wise conduct since your arrival very strongly shows us how much your Excy. will improve those powers for the honour of the King and the advantage of his subjects in this Province. The King by taking us under his protection makes it incumbent upon us ever most gratefully to acknowledge His grace and favour, But H.M. by appointing so wise and experienced a person as your Excy. (who has acquired such considerable conquests to the Crown of Great Britain in America from the great employments and commands you have heretofore had in every Province thereof) to settle the safety trade and tranquillity of this Infant Colony demonstrates that no distant of place lessens his fatherly tenderness for his people. These blessings will naturally induce us to live in Love, Peace, Unity and Friendship with one another and to have no other strife among ourselves, but who shall approve himself the best subject to the King and most sincerely and affectionately attach'd to your Excy. *etc.* Undated. $2\frac{1}{2}$ pp. [C.O. 5, 382. No. 24.]

[1721]

761. Memorial to Henry, Lord Carleton, President of H.M. Privy Council. Proposal from "an intended Company of Trustees" to settle all the half-pay officers upon the land lyeing between Nova Scotia and the Province of Maine, if H.M. will remit the quit-rent of the Province for 99 years. It has been proposed to settle the said land for raising hemp, flax and naval stores, with a quit-rent of 28 lb. of hemp per 100 acres *etc.* No date or signature. [C.O. 5, 752. No. 17.]

[1721]

762. Similar Memorial to Charles Lord Viscount Townshend, Principal Secretary of State. $1\frac{1}{4}$ pp. [C.O. 5, 752. No. 18.]

[?1721]

763. Michael Ayon to Lord Carteret, Secretary of State. Prays for relief out of H.M. Royal bounty in compensation for his great losses, services and sufferings at the time of the rebellion in Antegoa in which H.M. Capt. Generall was murder'd *etc.* Signed, Michael Ayon. No date. 1 p. [C.O. 7, 1. No. 23.]

[1721]

764. Major George Thomas to [Lord Carteret]. Prays to be appointed to the Council of Antegoa upon the first vacancy. Has a very plentiful estate in that island *etc.* Was lately introduc'd by my Lord Carteret to H.M. with an Address from said Island, *etc.* No date or signature. $\frac{3}{4}$ p. [C.O. 7, 1. No. 24].

1721.

[1721]

765. Petition of Col. Ekines to the King. In return for services done and money disbursed at Scilly *etc.* in the service of his country, asks to be appointed Governor of North Carolina. *Signed, Tho. Ekines. 1 p. [C.O. 5, 306. No. 6.]*

[?1721]

766. Petition of Lessees of the Bahama Islands to the Lords Justices. The Lords Proprietors granted the said Islands to Woods Rogers, who assigned the same to several of petitioners. They have expended great sums in settling and fortifying them. Finding it a work too great for a few private persons, these first assignees of the lease have agreed with the rest of petitioners and others to let them into particular parts and interests in the Islands on their contributing proportionable sums for carrying on the undertaking *etc.* *Pray for letters patent of incorporation etc. cf. April 19, 1721. Without date or signature. 2 $\frac{1}{4}$ pp. Dated by a reference to attack by Spaniards "in March last."* Ed. On back, in later hand, (? 1728),

766. i. *Members of the Bahama Company.* Ld. Londonderry, Sr. Cha. Wager, Wm. Chetwynd, Paul Docminique, Govr. Harrison, Govr. Hunter. [C.O. 23, 12. No. 80.]

1721-1735. **767.** Naval Officer's Returns, Carolina. [C.O. 5, 509.]

1720-1721. **768.** Correspondence of Commandants of Essequibo with the Directors of the Dutch West India Company. *Dutch.* [C.O. 116, 22 and 23.]

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